FRAUD & CORRUPTION MANAGEMENT, PROMOTION OF ETHICS, PROFESSIONALISM POLICY AND PLAN

JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY

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SPEAKER

DATE

JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY

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MR. I.E AISENG
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1. BACKGROUND

It is common cause that fraud and corruption has reached endemic proportions in South Africa. Fraud, corruption, embezzlement, theft and maladministration poses risk for any organisation and perhaps even more so at the local sphere of government. It is therefore sensible for the John Taolo Gaetsewe District Municipality to take a stand and put measures in place to combat such improprieties and unethical behaviour.

It is reasoned that fraud, corruption, misrepresentation, embezzlement, theft, and maladministration speak to the morality of individuals and the organisation. All of these improprieties are unethical in nature, although not all unethical behaviour is illegal. It follows that the promotion of ethics should be part of any effort to address fraud and corruption. This document, with other policy documents and plans are therefore designed to put measures in place to prevent and deter fraud, corruption, theft and related activities and to promote a high standard of ethics in the Municipality. Ethics management will therefore not be handled as a separate policy matter, but as integral to this policy and possible subsequent plans.

2. PURPOSE

The purpose of this Policy is to develop and foster a climate of ethical behaviour within John Taolo Gaetsewe District Municipality (JTGDM) where all councillors and employees at all times strive to:

- ✓ Conduct themselves in an ethical manner;
- ✓ Promote ethics, integrity, fraud and corruption prevention, fraud detection and response awareness;
- ✓ For the ultimate eradication of fraud, corruption, theft and maladministration by means of application of the full spectrum of pro-active measures at their disposal; and

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- ✓ Put measures in place to respond to instances of unethical behaviour, including fraudulent and corrupt activities.

3. SCOPE OF THE POLICY

This policy applies to the following persons and/or entities:

3.1. All political office bearers and councillors;
3.2. All employees
3.3. Consultants, suppliers, contractors and other service providers to the Municipality;
3.4. Non – Governmental Organisations and other parties receiving benefits from the Municipality;
3.5. Communities and/or community members receiving services from the Municipality and/or benefitting from the activities of the Municipality; and
3.6. Any person/s or legal entity acting for or on behalf of the Municipality.

4. LEGAL CONTEXT

4.1. The Local Government: Municipal Finance Management Act (Act 56 of 2003)

The Local Government: Municipal Finance Management Act (Act 56 of 2003) (MFMA) assigns the Accounting Officer (Municipal Manager) to be responsible for the management of the financial administration of the Municipality and to this extent to take reasonable steps to ensure (Section 62(1)(b, c and e)):

(a) that full and proper records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards;

(b) "that the municipality has and maintains effective, efficient and transparent systems –

(i) of financial and risk management and internal control; and

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(ii) *of internal audit operating in accordance with any prescribed norms and standards."*

(e) *"that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15:"*

Section 61 of the MFMA stipulates that:

(1) "The accounting officer of a municipality must-

(a) act with fidelity, honesty, integrity and in the best interests of the municipality in managing its financial affairs;

(b) disclose to the municipal council and the mayor all material facts which are available to the accounting officer or reasonably discoverable and which in any way might influence the decisions or actions of the council or the mayor; and

(c) seek, within the sphere of influence of the accounting officer to prevent any prejudice to the financial interests of the municipality.

(2) An accounting officer may not-

(a) act in a way that is inconsistent with the duties assigned to accounting officers of municipalities in terms of this Act; or

(b) use the position or privileges of, or confidential information obtained as, accounting officer for personal gain or to improperly benefit another person."

Section 115 of the MFMA stipulates that:

(1) "The accounting officer of a municipality or municipal entity must-

(b) take all reasonable steps to ensure that proper mechanisms and separation of duties in the supply chain management system are in place to minimise the likelihood of fraud, corruption, favouritism and unfair and irregular practices."

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In terms of Section 171 of the MFMA "The accounting officer of a municipality *commits an act of financial misconduct if that accounting officer deliberately or negligently-*

(d) provides incorrect or misleading information in any document which in terms of a requirement of this Act must be –

(i) submitted to the mayor or the council of the municipality, or to the Auditor-General, the National Treasury or other organ of state; or

(ii) made public."

It is also financial misconduct when any other official employed by the Municipality provides such incorrect or misleading information to the accounting officer in terms of Sections 2(d) and 3(d). It is further stipulated in Section 4 that allegations of financial misconduct must be investigated and institute disciplinary proceedings if the investigation warrants such a step.

4.2. The Prevention and Combating of Corrupt Activities Act (PCCA) 12 of 2004

The Prevention and Combating of Corrupt Activities Act (PCCA) 12 of 2004 (Government Printing Works, 2004) defines the offence of corruption in Section 3 as follows:

"Any person who, directly or indirectly-

a) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or

b) gives or agrees or offers to give to any other person any gratification, whether for the benefit of that other person or for the benefit of another person, in order to act personally or by influencing another person so to act. in a manner that

i) amounts to the-

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(aa)illegal, dishonest, unauthorised, incomplete, or biased; or

(bb)misuse or selling of information or material acquired in the course of the exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation:

ii) that amounts to-

(aa)the abuse of a position of authority;

(bb)a breach of trust; or

(cc) the violation of a legal duty or a set of rules;

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iii) designed to achieve an unjustified result; or

iv) that amounts to any other unauthorised or improper inducement to do or not to do anything."

The PCCA continues *inter alia* to list all manner of corruption offences in respect of supply chain management and contract related activities in Sections 12, 13, 14, and 17.

It is against the law, as defined in the PCCA Section 19, to interfere, hinder or obstruct an investigation of an offence. It is stated that:

"Any person who, at any stage, with intent to defraud or to conceal an offence in terms of this Chapter or to interfere with, or to hinder or obstruct a law enforcement body in its investigation of any such offence-

(a) destroys, alters, mutilates or falsifies any book, document, valuable security, account, computer system, disk, computer printout or other electronic device or any entry in such book, document, account or electronic device, or is privy to any such act;

(b) makes or is privy to making any false entry in such book, document, account or electronic device; or

(c) omits or is privy to omitting any information from any such book, document, account or electronic device, is guilty of an offence."

Sections 20 and 21 deals with accessories to or after an offence and attempting, conspiring and inducing another person to commit an offence, respectively. Section 20 states that:

"Any person who, knowing that property or any part thereof forms part of any gratification which is the subject of an offence in terms of Part 1, 2, 3 or 4, or section 21 (in so far as it relates to the aforementioned offences) of this Chapter, directly or indirectly, whether on behalf of himself or herself or on behalf of any other person-

(a) enters into or causes to be entered into any dealing in relation to such property or any part thereof; or
(b) uses or causes to be used, or holds, receives or conceals such property or any part thereof, bis guilty of an offence."

Section 21 states that:

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"Any person who-

(a) attempts;
(b) conspires with any other person; or
(c) aids, abets, induces, incites, instigates, instructs, commands, counsels or procures another person to commit an offence in terms of this Act, is guilty of an offence."

It is an offence in terms of Section 34 of the PCCA for any person in a position of authority who knows or who ought reasonable to have known that any other person committed an offence in terms of the Act under Part 1, 2, 3 or 4, or Section 20 or 21. Such person of authority with knowledge or suspicion of an offence is also obliged to report same, or cause same to be reported to any police official. This includes "theft, fraud, extortion, forgery or uttering a forged document, involving an amount of R100 000 or more.

The Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014 (Government Printing Works, 2014) outlines the procedures to be followed in instances of financial misconduct and offences and must be read with both the MFMA and PCCA.

4.3. Protected Disclosures Amendment Act, 2017 (Act 5 of 2017)

It is prohibited in Section 3 of the Protected Disclosures Amendment Act, 2017 (Act 5 of 2017) (PDA) to subject an employee or worker to any occupational detriment by his or her employer on account, or partly on account, of having made a protected disclosure (Government Printing Works, 2017). The PDA list protected disclosures in terms of the following categories of improprieties (Section 1(b))

"1. In this Act, unless the context otherwise indicates -

(b) "'disclosure' means any disclosure of information regarding any conduct of an employer, or of an employee or of a worker of that employer, made by any employee or worker who has reason to believe that the information concerned shows or tends to show one or more of the following:

(a) That a criminal offence has been committed, is being committed or is likely to be committed;

(b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;

(c) that a miscarriage of justice has occurred, is occurring or is likely to occur;

(d) that the health or safety of an individual has been, is being or is likely to be endangered;

(e) that the environment has been, is being or is likely to be damaged;

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(f) unfair discrimination as contemplated in Chapter II of the Employment Equity Act, 1998 (Act No. 55 of 1998), or the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000); or

(g) that any matter referred to in paragraphs (a) to (f) has been, is being or is likely to be deliberately concealed;"

It is an offence to intentionally disclose false information, PDA Section -

(a) "knowing that information to be false or who ought reasonably to have known that the information is false; and

(b) with the intention to cause harm to the affected party and where the affected party has suffered harm as a result of such disclosure..."

4.4. Local Government: Municipal Systems Act, 2000 (Act 32/2000)

4.4.1. Schedule 1 Code of Conduct for Councillors

Schedule 1, Code of Conduct for Councillors in Local Government: Municipal Systems Act, 2000 (Act 32/2000) (Government Printing Works, 2000) compels a councillor to (Section 2):

(a) "perform the functions of office in good faith, honestly and a transparent manner; and

(b) *at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised."*

The Code continues to regulate:

- ✓ Attendance of council and committee meetings;
- ✓ Disclosure of direct and indirect business interests;
- ✓ Personal gain;
- ✓ Declaration of interest;

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- ✓ Paid word by full time councillors;
- ✓ Rewards, gifts and favours;
- ✓ Unauthorised disclosure of information;
- ✓ Intervention in administration;
- ✓ Intervention in administration;
- ✓ Council property, and
- ✓ Councillor in arrears.

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The Code also prescribes procedures to be followed when the Code is breached. The Code of Conduct is also applicable to traditional leaders participating in the proceedings of council.

4.4.2. Schedule 2 Conduct for Municipal Staff Members

Similarly, Schedule 2, Code of Conduct for Municipal Staff Members in Local Government: Municipal Systems Act, 2000 (Act 32/2000) (Government Printing Works, 2000) (Section 2) stipulates:

A staff member of a municipality must at all times-

(a) "loyally execute the lawful policies of the municipal council;

(b) perform the functions of office in good faith, diligently, honestly and in a transparent manner;

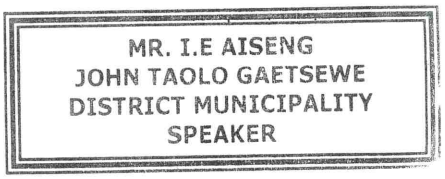
(c) act in such a way that the spirit, purport and objects of section 50 are promoted;

(d) act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised; and

(e) *act impartially and treat all people, including other staff members, equally without favour or prejudice."*

The Code continues to regulate:

- ✓ Commitment to serving the public interest;
- ✓ Personal gain;
- ✓ Disclosure of benefits;
- ✓ Unauthorised disclosure of information;
- ✓ Undue influence;
- ✓ Rewards, gifts and favours;
- ✓ Council property;
- ✓ Payment of arrears;
- ✓ Participation in elections, and
- ✓ Reporting duty of staff members.

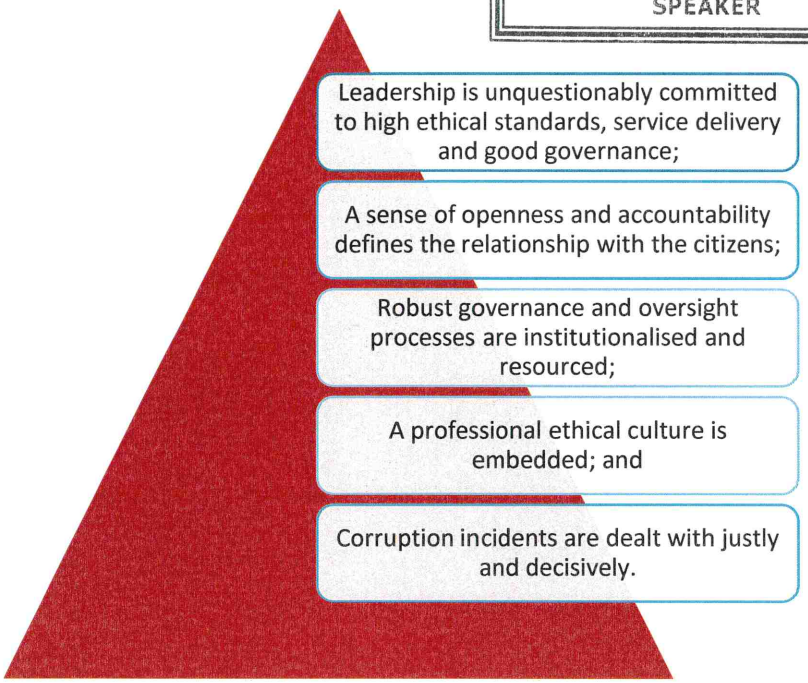


The Code also prescribes procedures to be followed when the Code is breached.

4.5. Code for Ethical Leadership in Local Government

"The National Development Plan 2030 envisions a society which has zero tolerance for corruption, with an empowered citizenry who hold leaders to account and 'leaders who act with integrity and have high ethical standards'. This is taken further in the National Anti-Corruption Strategy 2020-2030 that sets 'ethical leadership' as one of its seven strategic objectives, and envisages an 'ethical, transparent and accountable state, business and civil society sectors in which those in positions of power and authority act with integrity'. The absolute importance of ethical leadership – specifically in local government – is further elaborated on by the Local Government Anti-Corruption Strategy (2015) which envisions a local government sector where:"

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The Code for Ethical Leadership in Local Government is a culmination of a national dialogue to determine values and principles for ethical governance in municipalities, that specifies not only abstract values, but specifically how to operationalise good governance and ethical leadership in practice.

"***The purpose of the Code*** *is to give guidance to local government leaders on how to navigate those issues that have the biggest impact on ethical governance in municipalities based on the research. There are certain behaviours that are destructive to ethical governance, and should be avoided, and others that are supportive of ethical governance, and should be promoted.*"

The Municipal Codes of Conduct, as discussed in paragraphs above, "*…contain vital principles of general conduct, … are predominantly a list of do's and don'ts that councillors and staff members have to abide by in terms of their personal conduct. As the names say, they are codes of conduct.*"

While the Code for Ethical Leadership in Local Government contains some elements of personal conduct, it is predominantly about **the role that leaders**

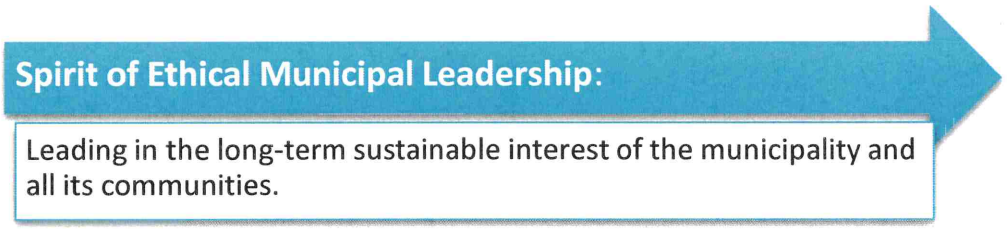
should play to ensure ethical and effective municipalities. So instead of being a code of personal conduct, **it is a governance code**, similar to the King Code for Corporate Governance. It guides leaders on how to create well-governed and effective organisations.

The Code is attached hereto as an annexure and forms an integral, albeit principally guiding, part of the policy. "*This Code aims to give effect to the spirit of the Constitution and create an environment where the existing legislative and regulatory framework can thrive, by setting out the following in relation to ethical leadership in local government*:"

- **The outcomes**: What is it that we want to achieve?



- **The spirit**: What is our core consideration?



- **The principles**: What must be done to achieve the outcomes?

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"*The principles indicate what municipal leaders should do to achieve the desired outcomes. The spirit of ethical municipal leadership (as a core consideration) should always guide how the principles are implemented.*" The principles on which the Code is based are as follows and are comprehensively discussed in Code itself:

1. Sets the tone for an ethical culture.
2. Follows a community-centred approach to governance.
3. Respects the boundary between the political and administrative spheres of the municipality.
4. Ensures the appointment of staff who have competence and integrity.
5. Ensures the appropriate level of competence, integrity, and diversity on committees and oversight structures.
6. Deals fairly and decisively with ethics transgressions and poor performance.
7. Engages respectfully and constructively with other leaders.

It is important to note that this "*Code sets out principles that should be applied by anybody who finds themselves in a municipal leadership role. At the political level this includes councillors and traditional leaders, and at the administrative level it includes municipal managers and all other managers. The spirit and intent should, however, be filtered down to all municipal officials … The Constitution specifies that the municipality consists of three components: the council, the administration and the community. Since the community is included in the definition of a municipality, the Code also sets out how communities can support the spirit and principles of the Code.*

There are a host of other role-players, for example, political parties, business, and service providers, who are not necessarily governed by municipal

legislation and codes, but who also have a significant impact on the ethical culture in municipalities. These too should be guided by the spirit of the Code."

5. DEFINITIONS

All terms used in this policy have the same meaning as the meaning it has in the legislation that it relates to and that is referred to in this policy, unless otherwise specified and/or defined.

The following terms are specifically defined:

Fraud: CR Botha in Minnaar (2019) defines fraud as follows: "*Fraud is the unlawful, intentional making of misrepresentation which causes actual prejudice to another or holds potential prejudice to another."* This is irrespective of whether or not there is a personal benefit to the perpetrator.

Misrepresentation: Minnaar (2019) defines misrepresentation as follows: "*A misrepresentation is made when X makes a representation to Y implying that a condition or set of conditions exist that, in reality, does not exist. A misrepresentation may be made:*

- *by way of behaviour (such as nodding your head); or*
- *by way of an omission (to omit to do something); or*
- *when there is a misrepresentation regarding a fact."*

Fraudulent activities inter alia include:

(a) Embezzlement;
(b) Misappropriation;
(c) Falsification and Forgery;
(d) Overstatement of assets and income to conceal unauthorised transactions;
(e) Understatement of liabilities and expenses to conceal illegal transactions; and

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(f) False or omitted disclosure.

Corruption: The definition of the offence of corruption in the Prevention and Combating of Corrupt Activities Act (PCCA) 12 of 2004 is retained. However, for the purposes of this policy corruption is summarised as follows: "The giving or receiving of gratification to derive benefit from and/or influence the outcome of any administrative process."

Maladministration: "Faulty, inefficient or improper management or administration, especially by a government body," Definitions (2019).

Action or inaction related to maladministration include (Wikipedia, 2019):

- Delay;
- Incorrect action or failure to take any action;
- Failure to follow procedures or the law;
- Failure to provide information;
- Inadequate record-keeping;
- Failure to investigate;
- Failure to reply;
- Misleading or inaccurate statements;
- Inadequate liaison;
- Inadequate consultation; and
- Broken promises.

Irregularity: "*...means the state of being irregular. It also refers to a behavior that amounts to a breach of a rule or custom. It can also be an improper or dishonest conduct,*" (US Legal 2019).

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Theft: "*Theft is defined as the physical removal of an object that is capable of being stolen without the consent of the owner and with the intention of depriving the owner of it permanently,*" (Encyclopaedia Britannica, 2019). It is general term and include crimes of larceny, robbery and burglary. Theft and fraud are often interrelated such as in the case of embezzlement.

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6. POLICY STATEMENT

The John Taolo Gaetsewe District Municipality is committed to zero tolerance to any fraud, corruption, maladministration, theft and/or any other dishonest activities of a similar nature and endeavours to embed an ethical institutional culture whilst giving effect to its service delivery mandate.

7. APPROACH

The Municipality has a three-pronged approach to fraud and corruption, namely:

7.1. Promoting High Ethical Standards and Professionalism

Councillors and officials shall dedicate themselves to promote the vision and mission of the Municipality, which are respectively as follows:

VISION:
"Economic Hub of Excellence for a Sustainable, Innovative, and Competitive District."

The Vision statement of the JT Gaetsewe District Municipality reflects its commitment to the ideal of an integrated, development-focused district, and is built on the following municipal elements:

People development	Improved quality of living (Provision of basic services, improved levels of education and sustainable job opportunities, Lower unemployed and poverty levels, Skills development programmes, access to facilities and utilities and community participation.
Economic positioning	Beneficiation of the natural resources, Advancement of the local economy to diversity from the high concentration on the primary sector to secondary and tertiary sectors, Advanced industrialisation, established investments opportunities, skilled work force, firm management of economic drivers and finances, Township economy, Knowledge economy.
Spatial Restructuring and Environmental	Proper implementation of planning tools, functional linkages, environmental protection, Spatial integration of existing settlements, Inclusive and equitable development, Climate change adaptation strategy, Protection of the Critical Biodiversity Areas (CBA), Balance between developments and the environment, Remote spatial and land use management.
Infrastructure engineering and Service provision	Improved road network access and the maintenance thereof, improved bulk infrastructure and maintenance, migrate mining freight from road to rail transport.
Institution and governance	Improve the IGR structures, frequent communication to communities on institutional and financial issues, Proper implementation of policies.

Mission: *"To drive inclusive economic growth and sustainable development through transparent governance, effective service delivery, and coordinated support to local municipalities. We are committed to empowering communities, fostering partnerships, and enhancing infrastructure to ensure a prosperous and resilient district that benefits all its residents."*

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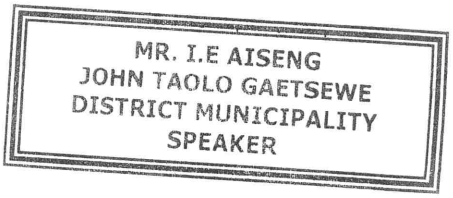
The Municipality strives to develop and serve the people of the district by embracing the following core values:

Development:	Strive for the development of the district and its people, while also striving for own personal development
Commitment:	Stay committed to the vision of the JTGDM and to serving the people of the District in whatever we do.
Care:	To show empathy and care towards others, while striving to promote a positive working atmosphere; and
Integrity:	Stay true in whatever you commit to performing your duties to the best of your ability, while conducting yourself professionally at all times.

Councillors and employees of the Municipality, as well as any person/s or organisation/s representing and/or acting on behalf of the Municipality shall therefore:

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Public safety, health and welfare	Hold paramount the safety, health and welfare of the public in the performance of professional duties;
Honour, integrity and the dignity	Act in such a manner as to uphold and enhance personal honour, integrity and the dignity of the profession;
Respect and consideration	Treat with respect and consideration all persons, regardless of race, religion, gender, sexual orientation, maternity, marital or family status, disability, age or national origin;
Vision and mission	Engage in carrying out the vision and mission of JTGDM in a professional manner;
Professional reputations	Build professional reputations on the merit of services and refrain from competing unfairly with others;
Chief function	Recognize that the chief function of the Municipality at all times is to serve the best interest of its constituency;
Personal duty	Accept as a personal duty the responsibility, to keep up to date on emerging issues and to conduct themselves with professional competence, fairness, impartiality, efficiency and effectiveness;
Respect Structures	Respect the structures and their responsibilities;
Organizational and operational duties	Conduct organizational and operational duties with positive leadership exemplified by open communication, creativity, dedication, and compassion;
Discretionary authority	Exercise whatever discretionary authority they have under the law to carry out the mission of the organization;
Serve	Serve with respect, concern courtesy and responsiveness, in carrying out the organization's mission;
Highest standard	Demonstrate the highest standard of personal integrity, truthfulness, honesty, fortitude, in all activities in order to inspire, confidence, and trust in such activities;
Interest	Avoid any interest or activity that is in conflict with the conduct of their official duties;
Information	Respect and protect privileged information to which they have access in the course of their official duties; and
Personal and professional excellence	Strive for personal and professional excellence and encourage the professional development of others.



Programmes to promote high ethical standards accountability, transparency and professionalism may include:

- ✓ Ethics awareness and/or training sessions;
- ✓ Ethics surveys to both determine the understanding of ethics, professionalism and morality, as well as the prevalence of unethical behaviour;
- ✓ Articles in the internal newsletter of the Municipality;
- ✓ Declaration of interest clauses in future agreements with service providers;
- ✓ Undertaking to maintain high levels of ethics and professionalism in future agreements with service providers;
- ✓ Declaration of interest and/or conflict of interest in all meetings of the Council, Portfolio Committees, Oversight Committees, Tribunals, Panels, or any committee where decisions are taken;
- ✓ Skills Development Plan and Report;
- ✓ Employment Equity Plan and Report;
- ✓ Regular performance and financial reporting;
- ✓ Council outreach programmes and community meetings; and
- ✓ Annual report including annual financial statements and annual performance report.

7.2. Prevention and Deterring

Fraud and corruption prevention can be seen as the cumulative effect of preventative and detection systems incorporated by management. Detection of fraud can only lead to the prevention thereof if the response thereto acts as a deterrent.

Appropriate prevention and detection controls will be applied. These include the existing controls and checking mechanisms as prescribed in existing

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policies, procedures and other relevant prescripts to the activities of the municipality, and systems.

The following measures are inter alia in place to prevent and/or detect, deter dishonest activities, and promote ethical conduct:

- ✓ Code for Ethical Leadership in Local Government
- ✓ Internal Controls in all Departments;
- ✓ Accounting Officer and Senior Management Commitment;
- ✓ Recruitment Policy and Pre-employment screening;
- ✓ Accounting and Operational Policies;
- ✓ Fraud and Corruption Management and Promotion of Ethics and Professionalism Policy and related plans;
- ✓ Employee awareness campaigns and training;
- ✓ Risk assessment workshop, risk register and risk progress reporting;
- ✓ Risk Management Policy;
- ✓ Code of conduct for both councillors and employees;
- ✓ Disclosure of interests register;
- ✓ Declaration of interest at meetings;
- ✓ Internal and External Audits;
- ✓ Other fraud and corruption reporting mechanisms;
- ✓ Investigating suspicions and/or allegations of fraud and corruption;
- ✓ Oversight Committees such as:
  - ➢ Municipal Public Accounts Committee;
  - ➢ Audit, Risk and Performance Committee;
- ✓ Management Committee;
- ✓ Risk Management Committee;
- ✓ Training Committee; and
- ✓ Local Labour Forum.

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7.3. Response and Consequences Management

It is the of policy of John Taolo Gaetsewe District Municipality that fraud, corruption, maladministration or any other dishonest activities of a similar nature will not be tolerated. Such activities will be investigated and actions instituted against those found responsible. Actions may include the laying of criminal charges, civil and administrative actions and financial recoveries or goods, where applicable.

All reports received will be treated with the requisite confidentially and will not be disclosed or discussed with parties other than those charged with investigation into such reports. In addition, these will be investigated and followed up by the application of all remedies available within the full extent of the law.

Allegations and reports of dishonest activities will be referred to the Disciplinary Board in terms of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014. Said Regulations comprehensively prescribes procedures to be followed in reporting, responding to, investigating and taking action in cases of financial misconduct. These procedures will be followed in all instances of alleged financial misconduct. The Regulations are attached to and forms part of this Policy.

8. POLICIES REPEALED

The 2026 reviewed Fraud and Corruption Management, Promotion of Ethics and Professionalism Policy and Plan, as well the Ethics Management Strategy and Implementation Plan replace all prior ethics and fraud related policies and Implementation Plans.

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9. POLICY REVIEW

This policy shall be reviewed as and when circumstances dictated, but at least every five years.

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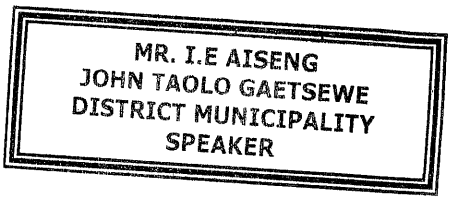
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ANNEXURE A: MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS, 2014



ANNEXURE B: CODE FOR ETHICAL LEADERSHIP IN LOCAL GOVERNMENT



GOVERNMENT NOTICE

NATIONAL TREASURY

CORRECTION NOTICE

In Ordinary (National) Government Gazette No. 37682, of 30 May 2014, Government Notice No. 425 is hereby withdrawn and replaced with the following:

No. R. 430 **30 May 2014**

LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003

MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS

The Minister of Finance has, in terms of sections 168 and 175, of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and acting with the concurrence of the Minister of Cooperative Governance and Traditional Affairs, made the regulations as set out in the Schedule.

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SCHEDULE

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CHAPTER 1
INTERPRETATION

Definitions

1. In these Regulations, a word or expression to which a meaning has been assigned in the Act has the same meaning as in the Act, unless the context indicates otherwise, and–

"Act" means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

"designated official" means the official identified in a municipality or municipal entity to receive reports of allegations of financial offences against councillors or members of the board of directors of municipal entities;

"disciplinary board" means a disciplinary board established in terms of regulation 4(1) or a disciplinary board of a district municipality or provincial structure referred to in regulation 4(8);

"financial misconduct" means any act of financial misconduct referred to in-

(a) section 171 of the Act committed by an official of a municipality; or
(b) section 172 of the Act committed by an official of a municipal entity;

"financial offence" means any offence referred to in section 173 of the Act committed by-

(a) an official of a municipality or municipal entity;
(b) a councillor of a municipality;
(c) a member of the board of directors of a municipal entity; or
(d) any other person;

"investigator" means the board, treasury, person or team conducting a full investigation in terms of regulation 5(4).

CHAPTER 2
FINANCIAL MISCONDUCT PROCEDURES

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Application of Chapter

2. This Chapter applies to alleged financial misconduct.

Reporting of allegations of financial misconduct

3. (1) Any person must report an allegation of financial misconduct against–

(a) the accounting officer, a senior manager or the chief financial officer of a municipality, to the municipal council of the municipality, the provincial treasury and the national treasury;
(b) an official of a municipality other than its accounting officer, to that accounting officer;
(c) the accounting officer of a municipal entity, to the chairperson of the board of directors, the mayor and the accounting officer of the entity's parent municipality;

(d) an official of a municipal entity other than its accounting officer, to that accounting officer.

(2) The mayor, the accounting officer or chairperson of the board of directors, as the case may be, must table an allegation referred to in sub-regulation (1) before the municipal council or, board of directors in the case of municipal entities, not later than seven days after receipt thereof or at the next sitting of the council or the board of directors.

(3) The person to whom an allegation of financial misconduct has been reported in terms of sub-regulation (1) must ensure that the report is treated in a confidential manner.

(4) This regulation must not be read as preventing a person from laying a criminal charge with the South African Police Service against any councillor, member of the board of directors of a municipal entity, or official of a municipality or municipal entity in relation to any conduct that may constitute an offence in terms of Part 2 of Chapter 15 of the Act.

(5) An official against whom an allegation of financial misconduct is made must be given an opportunity to make written representation to the municipality or municipal entity as to why he or she should not be suspended, within seven days of being notified of the allegation.

Establishment of disciplinary board and its functioning

4. (1) A municipal council or board of directors of a municipal entity must establish a disciplinary board to investigate allegations of financial misconduct in the municipality or municipal entity, and to monitor the institution of disciplinary proceedings against an alleged transgressor.

(2) A disciplinary board is an independent advisory body that assists the council or the board of directors with the investigation of allegations of financial misconduct, and provide recommendations on further steps to be taken regarding disciplinary proceedings, or any other relevant steps to be taken.

(3) A disciplinary board must consist of maximum five members appointed on a part- time basis by the council or board of directors for a period not exceeding three years, in accordance with a process as determined by the municipal council or board of directors.

(4) A member of a disciplinary board must-

(a) be a natural person;

(b) be a citizen or permanent resident of the Republic and resident in the province where the municipality is situated; and

(c) not be disqualified under sub-regulation (5).

(5) The following persons are disqualified from membership of a disciplinary board:

(a) a person who has been convicted of an offence in terms of this regulation or any other legislation;

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(b) a person who, whether in the Republic or elsewhere, has been convicted of theft, fraud, forgery, the uttering of a forged document or any offence of which dishonesty is an element;
(c) a person who has at any time been removed from any office of trust on account of misconduct or dishonesty;
(d) an accounting officer of a municipality or municipal entity;
(e) a political office-bearer or a member of a board of directors; and
(f) a person who is an office-bearer in a political party.

(6) A disciplinary board may consist of-
(a) the head of the internal audit unit within the municipality or municipal entity or representative of an organisation performing internal audit functions for the municipality or municipal entity if the internal audit function is outsourced;
(b) one member of the Audit Committee of the municipality or municipal entity;
(c) a senior manager from the legal division in the municipality or municipal entity;
(d) a representative of the National Treasury or the provincial treasury; and
(e) any other person as may be determined by the municipal council or board of directors of a municipal entity.

(7) If an official referred to in sub-regulation (6)(a) or (c) is implicated in the financial misconduct, the municipality or municipal entity may co-opt a senior manager in another unit, who does not have a conflict of interest.

(8) If a municipality or municipal entity does not have sufficient capacity to establish a disciplinary board, a disciplinary board established by a district municipality or an equivalent provincial or national structure established for a similar purpose may, with approval of the district municipality or provincial or national structure, be used as a disciplinary board for the municipality or municipal entity.

Preliminary investigation of allegations of financial misconduct

5. (1) On receiving a report in terms of regulation 3(1), if the municipal council, board of directors or accounting officer of the municipality or municipal entity, is satisfied that there is reasonable cause to believe that an act of financial misconduct has been committed, it must within seven days refer the matter to the disciplinary board to conduct a preliminary investigation into the allegation as envisaged in terms of section 171(4)(a) or 172(3)(a) of the Act.

(2) A disciplinary board must conduct a preliminary investigation to determine whether or not the allegation is founded and make a recommendation to the council or board of directors as to whether sufficient grounds exists to warrant a full investigation into the allegation.

(3) If, during a preliminary investigation, the disciplinary board determines that the allegation is frivolous, vexatious, speculative or obviously unfounded, the investigation must be terminated.

(4) If the disciplinary board determines that the allegation is founded, a full investigation must be conducted by–
(a) the disciplinary board;
(b) the provincial treasury or the National Treasury, but only if the conditions specified in regulation 19 apply; or

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(c) where the cost, the seniority of the alleged transgressor and the seriousness or sensitivity of investigating the alleged financial misconduct, warrants such a step, by–

(i) a person appointed by the council or board of directors who has appropriate specialist expertise and who is not an official of the municipality or municipal entity; or

(ii) an independent team of investigators appointed by the council or the board of directors;

in accordance with the applicable supply chain management prescripts.

(5) A team of investigators appointed in terms of sub-regulation (4)(c)(ii) may include–

(a) a person, other than an official of the municipality or municipal entity, with appropriate specialist expertise, designated by the municipal council or the board of directors; or

(b) an official of the department responsible for local government in the relevant province, designated by the department; or

(c) an official of the provincial treasury or the National Treasury, designated by the relevant treasury.

(6) The investigator or investigating team appointed in terms of sub-regulation (4)(c) must, within a period of 30 days of the appointment, submit a report with recommendations to the mayor or accounting officer as may be appropriate.

Investigation of allegation of financial misconduct and submission of reports

6. (1) A municipality or municipal entity must develop terms of reference for an investigation, in terms of regulation 5, within seven days of receipt of a referral from a disciplinary board for approval by the council or the board of directors.

(2) If the council or the board of directors has not acted on the recommendation by the disciplinary board that the financial misconduct is founded and sufficient grounds exist to warrant a full investigation into the allegation, the disciplinary board may request the provincial treasury or the National Treasury for assistance and a possible intervention in terms of regulation 19.

(3) After completion of a full investigation, the investigator must–

(a) compile a report on the investigation;

(b) submit its report to the mayor or the chairperson of the board of directors and the accounting officer together with its findings and recommendations, if applicable, regarding disciplinary steps that should be taken against the alleged transgressor; and

(c) immediately inform the speaker of the council of the submission of the report referred to in paragraph (b), and also submit a copy of the report to the provincial treasury and the National Treasury.

(4) The mayor, speaker, accounting officer or the chairperson of the board of directors must table the report of the investigation referred to in sub-

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regulation (3)(b) in the council or the board of directors at the first sitting after the report is finalised.

(5) If the report that is tabled in the council or the board is amended, the person tabling the report must provide written reasons for the amendments to the council or the board.

(6) If the findings or recommendations of the report referred to in sub-regulation (3)(b) are rejected by the council or the board, reasons for the rejection must be provided to the investigator within five days of the rejection.

(7) Where the recommendations of the report referred to in sub-regulation (3)(b) regarding disciplinary steps against the alleged transgressor are not implemented, the investigator must notify the provincial treasury and the National Treasury for a possible intervention in terms of regulation 19.

(8) If the investigator recommends that disciplinary proceedings be instituted against the alleged transgressor the council or board of directors must by way of resolution institute the disciplinary proceedings-

(a) in the case of a senior manager, in accordance with the Local Government: Disciplinary Codes and Procedures for Senior Managers Regulations made in terms of the Municipal Systems Act; or
(b) in the case of an official who is not a senior manager, in accordance with the applicable collective bargaining agreement concluded in the bargaining council established for municipalities and municipal entities.

(9) Where the alleged transgressor is found guilty of financial misconduct after the disciplinary proceedings, he or she may not be re-employed in any municipality for a period of ten years as provided in section 57A(3) of the Municipal Systems Act.

Purpose of investigations

7. An investigation in terms of regulations 5 and 6 must establish–

(a) whether the allegation of financial misconduct has any substance; and
(b) if it has substance, whether sufficient grounds exist for instituting disciplinary proceedings against the alleged transgressor.

CHAPTER 3
CRIMINAL PROCEEDINGS

Application of Chapter

8. This Chapter applies to alleged financial offences.

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Reporting of allegations of financial offences

9. (1) Any person may report an allegation of a financial offence against–

(a) a councillor of a municipality, to the designated official, the Minister of Finance and the MEC for finance;

(b) the speaker of a municipality, to the mayor of the municipality;

(c) a member of the board of directors of a municipal entity, to the designated official or, if the designated official is implicated, to the mayor and the accounting officer of the entity's parent municipality.

(2) An allegation referred to in sub-regulation (1)(a) or (b) must be dealt with in terms of the Code of Conduct for Councillors in Schedule 1 to the Municipal Systems Act.

(3) An allegation referred to in sub-regulation 1(c) must be dealt with in terms of the Code of Conduct for directors and members of staff of municipal entities in section 93L of the Municipal Systems Act.

Reporting of alleged financial offence to South African Police Service

10. (1) Where a financial offence has been committed by any person referred to in section 173 of the Act, the accounting officer or, if the accounting officer is involved, the municipal council or board of directors of the municipal entity, as the case may be, must report the alleged financial offence to the South African Police Service.

(2) If there is a likelihood of further financial loss for a municipality or municipal entity as a result of a financial offence, the accounting officer, council or board of directors must report the matter without delay to the South African Police Service and not await the completion of any investigation referred to in regulations 5 and 6 related to the financial offence.

(3) Where a financial offence is successfully prosecuted, the judgment must be reported to the National Treasury, together with full details of the convicted person, the name of the municipality where the offence was committed and the sanction that was imposed.

Allegations of financial offences not amounting to breaches of Code of Conduct for Councillors

11. (1) The designated official must, on receipt of a report of alleged financial offence referred to in section 173(4) or (5) of the Act by a councillor–

(a) authorise an investigation of the facts and circumstances of the alleged financial offence; and

(b) give that councillor an opportunity to make, within five days, a written submission with regard to the alleged financial offence.

(2) As soon as the designated official has complied with sub-regulation (1), the designated official must submit a report, within five days of completing the investigation, on the outcome of the investigation to the municipal council.

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(3) The designated official must ensure that the public has access to the report referred to in sub-regulation (2).

(4) The designated official must, within five days of submitting the report to council, submit the report on the outcome of the investigation to–

(a) the MEC for finance in the province;
(b) the MEC for local government in the province;
(c) Minister of Finance, and
(d) Minister responsible for local government.

Allegations of financial offences not amounting to breaches of Code of Conduct for members of the board of directors of municipal entities

12. (1) The designated official must, on receipt of a report of alleged financial offence referred to in section 173(5) of the Act by a member of the board of directors or any other person referred to in that section–

(a) authorise an investigation of the facts and circumstances of the alleged financial offence; and
(b) give that member of the board of directors or other person the opportunity to make, within five days, a written submission with regard to the alleged financial offence.

(2) As soon as the designated official has complied with sub-regulation (1), the designated official must, within five days of completing the investigation, submit a report on the outcome of the investigation to the board of directors.

(3) The designated official must ensure that the public has access to the report referred to in sub-regulation (2).

(4) The designated official must, within five days of submission to the board of directors, furnish a report on the outcome of the investigation to–

(a) the board of directors;
(b) the municipal council of the entity's parent municipality;
(c) the MEC for finance in the province;
(d) the MEC for local government in the province;
(e) the Minister of Finance; and
(f) the Minister responsible for local government

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CHAPTER 4

GENERAL

Application of Chapter

13. This Chapter applies to alleged financial misconduct and financial offences.

Preparation of information document on alleged financial misconduct and financial offences

14. (1) The municipality or municipal entity must prepare an information document on any alleged financial misconduct or financial offence stating–

(a) the name and position of the person against whom the allegation was made;
(b) a summary of the facts and circumstances of the alleged financial misconduct or financial offence, including the monetary value involved;
(c) any disciplinary steps taken or to be taken against the person concerned, or if no disciplinary steps have been or are to be taken, the reasons for that decision;
(d) in the case of a financial offence, the case number issued by the South African Police Service; and
(e) any steps taken or to be taken to recover any unauthorised, irregular or fruitless and wasteful expenditure incurred as a result of the alleged financial misconduct or financial offence in terms of section 32 of the Act.

(2) The municipality or municipal entity must within five days of finalising the information document submit it, together with any investigation report compiled in terms of regulation 5 and 6 to–

(a) the mayor of the municipality;
(b) the accounting officer of the parent municipality;
(c) the chairperson of the board of directors;
(d) the MEC for local government in the province;
(e) the national department responsible for local government;
(f) the provincial treasury;
(g) the National Treasury; and
(h) the Auditor-General;

Tabling of information document in municipal council or board of directors of municipal entities

15. (1) The mayor of a municipality or the chairperson of the board of directors must table the information document submitted in terms of regulation 14(2) in the municipal council or the board of directors at the first meeting of the council or the board of directors after receipt of the document.

(2) Any resolutions taken by the municipal council or the board of directors relating to the information document referred to in sub-regulation (1) must be reported to the provincial treasury and the national treasury.

(3) If the mayor, the accounting officer or the chairperson of the board of directors, as the case may be, is of the view that the alleged financial misconduct or financial offence may have a significant impact on the finances of the municipality, and that the funds need to be recovered from the alleged transgressor concerned, the mayor must request the speaker of the municipal council to convene a special meeting of the council to discuss the recoverability of the funds in accordance with section 32 of the Act.

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Reports on disciplinary proceedings and criminal charges

16. (1) The municipality or municipal entity must report to the institutions referred to in regulation 14(2) (a) to (h)–

(a) any decision to institute or not to institute disciplinary proceedings against the person who allegedly committed a financial misconduct;
(b) the reasons for the decision;
(c) the outcome where disciplinary proceedings have been instituted; and
(d) whether a charge has been laid against the person concerned with the South African Police Service, if the alleged financial misconduct constitutes a financial offence in terms of section 173 of the Act.

(2) Municipalities and municipal entities must report on all suspensions, disciplinary or criminal proceedings instituted in cases of financial misconduct in their annual reports.

Procedures for confidential reporting financial misconduct and financial offence

17. (1) A municipality must–

(a) establish reporting procedures for persons to report allegations of financial misconduct and financial offences on a confidential basis; and
(b) make public the reporting procedures in accordance with section 21(1)(a) and (b) of the Municipal Systems Act.

(2) A parent municipality together with its municipal entity, must establish reporting procedures to allow persons to report allegations of financial misconduct and financial offence on a confidential basis and the municipal entity must make the reporting procedures public.

(3) When establishing reporting procedures in terms of sub-regulation (1) or (2), a municipality or municipal entity must take into account its financial and administrative capacity.

Protection of officials reporting allegations of financial misconduct and financial offence

18. The Protected Disclosures Act 2000 (Act No. 26 of 2000) applies to an official who makes a report or disclosure against a political office-bearer, a member of the board or an official who is alleged to have committed financial misconduct or a financial offence.

Interventions by treasury

19. If a municipality, designated official or municipal entity fails to investigate an allegation of financial misconduct or financial offence, the provincial treasury or the National Treasury may direct that the allegation be investigated.

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Transitional arrangements

20. Any disciplinary process instituted before the commencement of these Regulations and not yet completed–

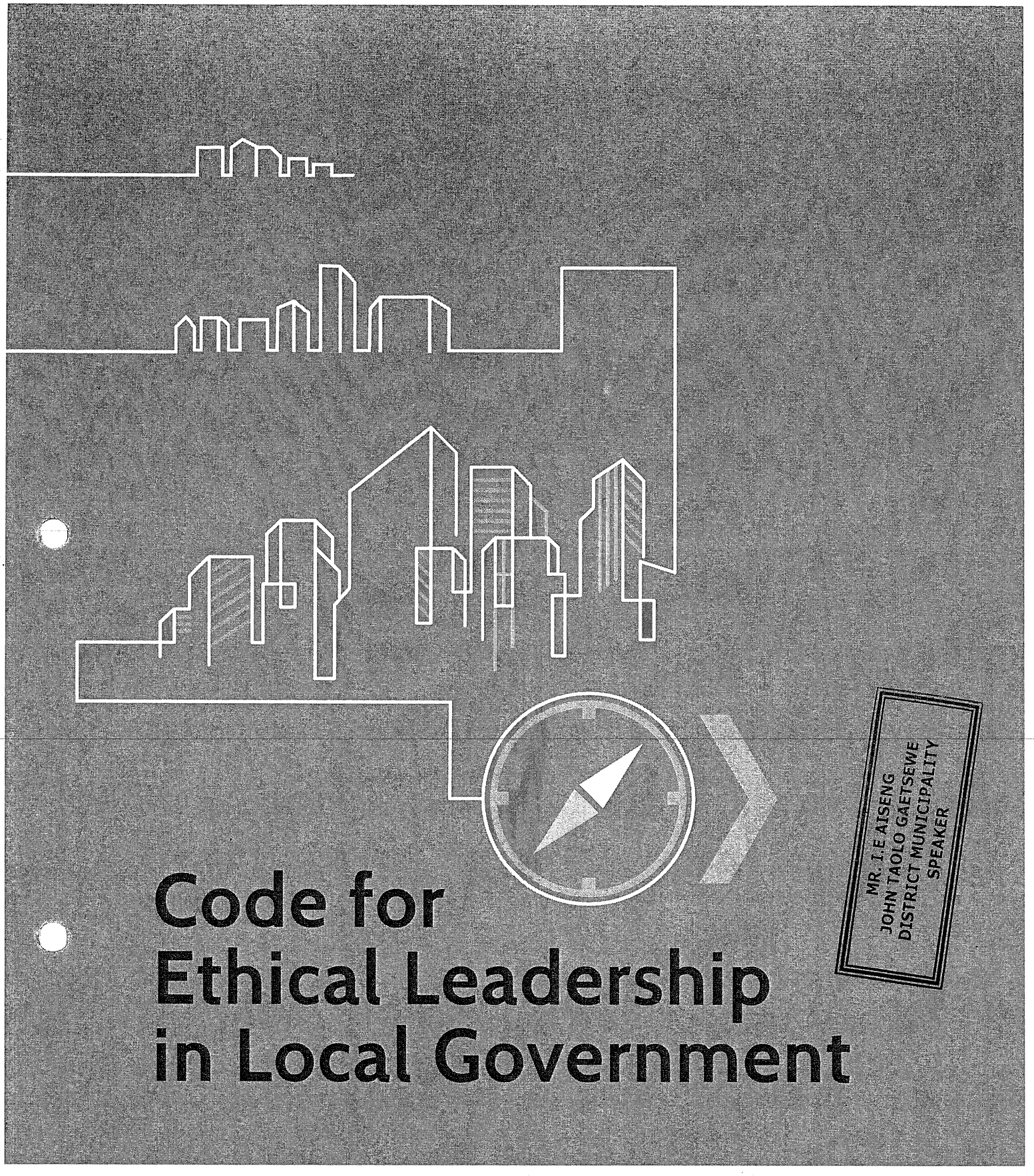
(a) must be finalised in terms of the prescripts applicable at the time when the process was instituted; or

(b) may, by agreement in writing between the affected official, political office-bearer or director of the municipal entity and the municipal council or board of directors, be finalised in terms of these Regulations.

Short title and commencement

21. These Regulations are called the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings and takes effect on 1 July 2014.

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Code for Ethical Leadership in Local Government

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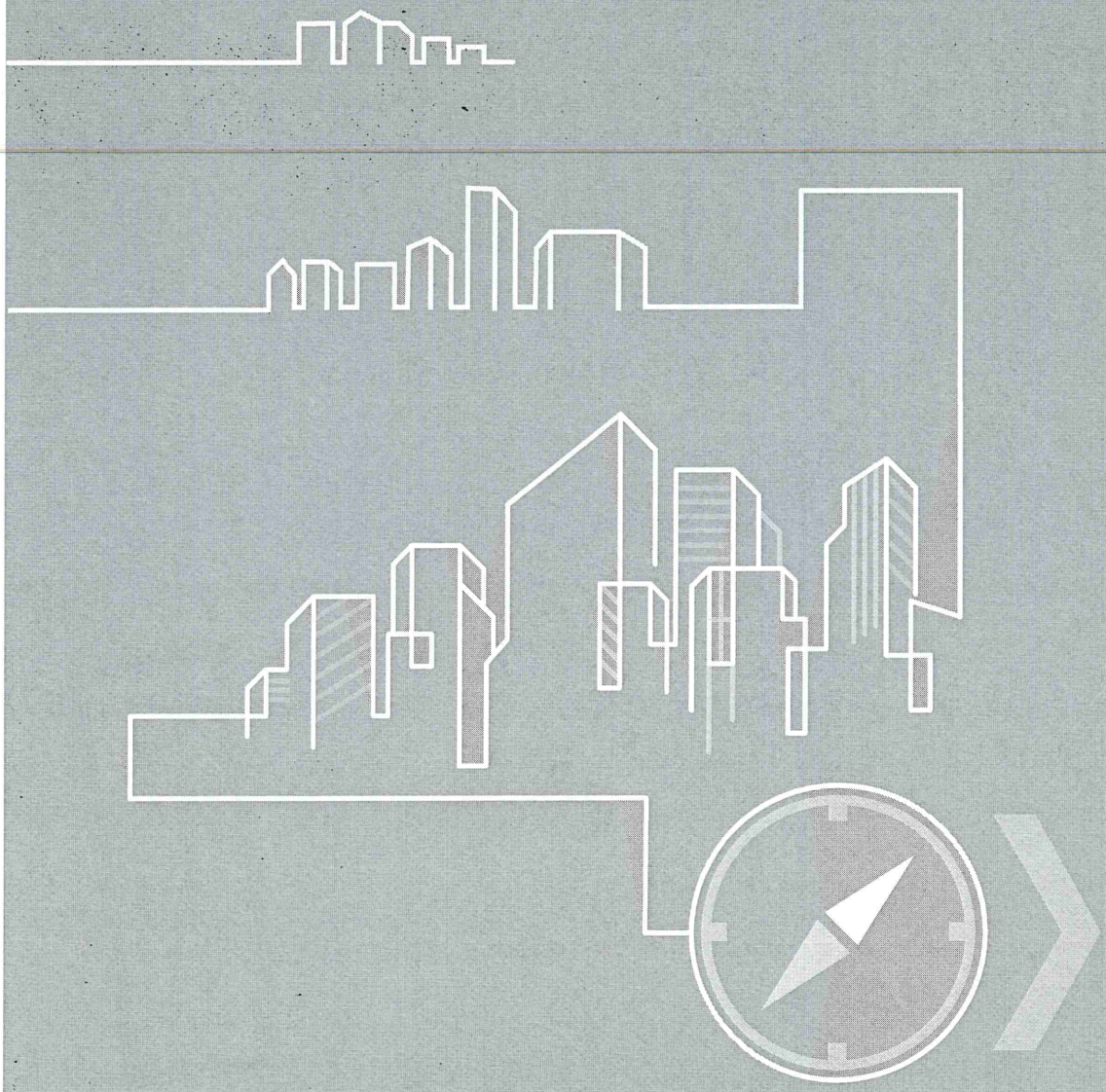
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SALGA
Inspiring service delivery

moral regeneration movement



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Messages of commitment

November 2023

Father Smangaliso Mkhatshwa

Chair of the Local Government Ethical Leadership Initiative (LGELI) advisory committee, and chair of the Moral Regeneration Movement.

The journey to develop the Code for Ethical Leadership in Local Government commenced in earnest in November 2020 when the LGELI Advisory Committee had its first meeting. It was clear that there is a need for a document to guide municipal leaders on building ethical and effective organisations. The Advisory Committee has been steadfast in its position that this should be a moral rather than a legal document. We envisage that this Code will guide conversations on the spirit and practice of ethical leadership in local government, and impact positively on the lives of communities. I wish to thank the members of the Advisory Committee, as well as the Working Group for their dedication to the project.

Ms Thembi Nkadimeng

Minister of CoGTA

The Department of Cooperative Governance fully supports the development of the Code for Ethical Leadership in Local Government. The Code is in line with the strategic objectives of the Local Government Anti-Corruption strategy which puts specific emphasis on ethical leadership. In our view, the Code will contribute towards addressing some of the governance challenges at municipalities, especially the prevalence of unethical conduct by leadership at various levels. The Code was developed through a collaborative effort and there was extensive consultation with all key stakeholders. It is only through collaboration that we can win the fight against corruption and ensure the promotion of ethics in municipalities. Moving forward, it will be key to put measures in place to ensure that the Code is institutionalised in municipalities.

Cllr Bheke Stofile

President of SALGA

For good governance and service delivery to prevail, upholding ethical behaviour by public officials and councillors is fundamental. To improve good governance and work towards realising the goals of the Constitution and the White Paper on Local Government, it is crucial to establish an ethical framework for social and economic growth at the local level.

The Code for Ethical Leadership in Local Government is a vital component of inculcating such a culture of ethical and servant leadership in the sector. As a partner of the Local Government Ethical Leadership Initiative, SALGA is fully committed to drive the implementation of the Code.

Prof Deon Rossouw

CEO of The Ethics Institute

Ethics is the cornerstone of safe, just, and prosperous communities. It is therefore imperative that leaders in local government should lead with personal integrity. However, personal integrity cannot be legislated. It depends on the personal commitment of leaders to put the interest of the communities that they serve before their personal interests. It is our hope that this Code will inspire our local government leaders to serve our local communities in the spirit intended in our Constitution.

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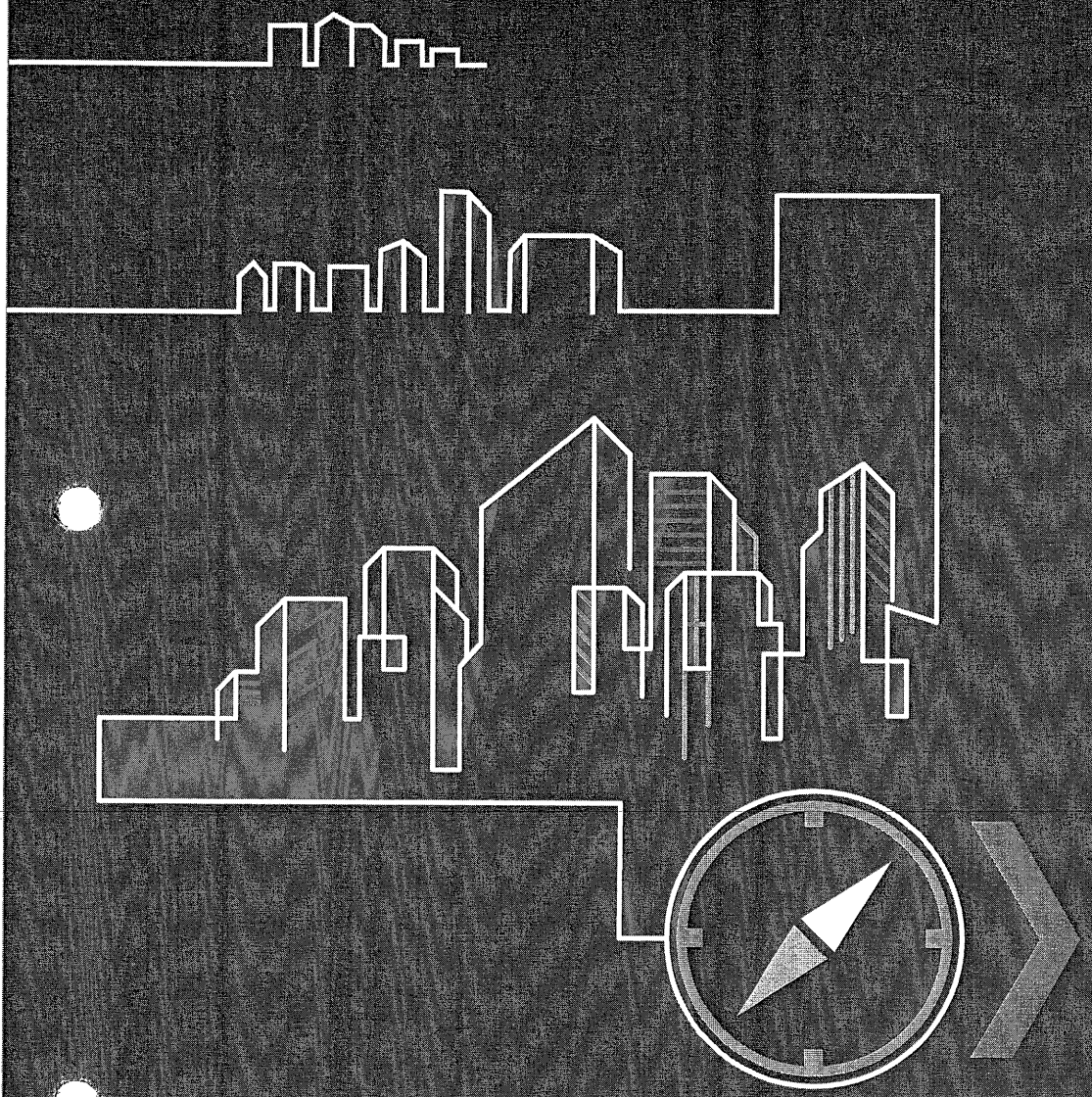
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Introduction

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1. Background to the Code

The Constitution of the Republic of South Africa (1996) envisions a local sphere of government that is 'democratic and accountable' and will 'ensure the provision of services to communities in a sustainable manner'.

The White Paper on Local Government (1998) not only sets out the vision for democratic local government, but also envisions the type of political leadership required to achieve that vision – a political leadership which:

- Provides community-wide leadership and vision
- Constantly builds its capacity to make policy judgements
- Is accountable and transparent
- Builds partnerships and coalitions
- Represents the diversity of interests
- Demonstrates value for money

The National Development Plan 2030 envisions a society which has zero tolerance for corruption, with an empowered citizenry who hold leaders to account and 'leaders who act with integrity and have high ethical standards'.

This is taken further in the National Anti-Corruption Strategy 2020-2030 that sets 'ethical leadership' as one of its seven strategic objectives, and envisages an 'ethical, transparent and accountable state, business and civil society sectors in which those in positions of power and authority act with integrity'.

The absolute importance of ethical leadership – specifically in local government – is further elaborated on by the Local Government Anti-Corruption Strategy (2015) which envisions a local government sector where:

- Leadership is unquestionably committed to high ethical standards, service delivery and good governance;
- A sense of openness and accountability defines the relationship with the citizens;
- Robust governance and oversight processes are institutionalised and resourced;
- A professional ethical culture is embedded; and
- Corruption incidents are dealt with justly and decisively.

The Local Government Anti-Corruption Strategy goes beyond merely wishing for improved ethical leadership, and sets out a plan for a structured national dialogue to determine 'Values and principles for ethical governance in municipalities'. It stipulates that the process should culminate in a widely consulted document that specifies not only abstract values, but specifically how to operationalise good governance and ethical leadership in practice.

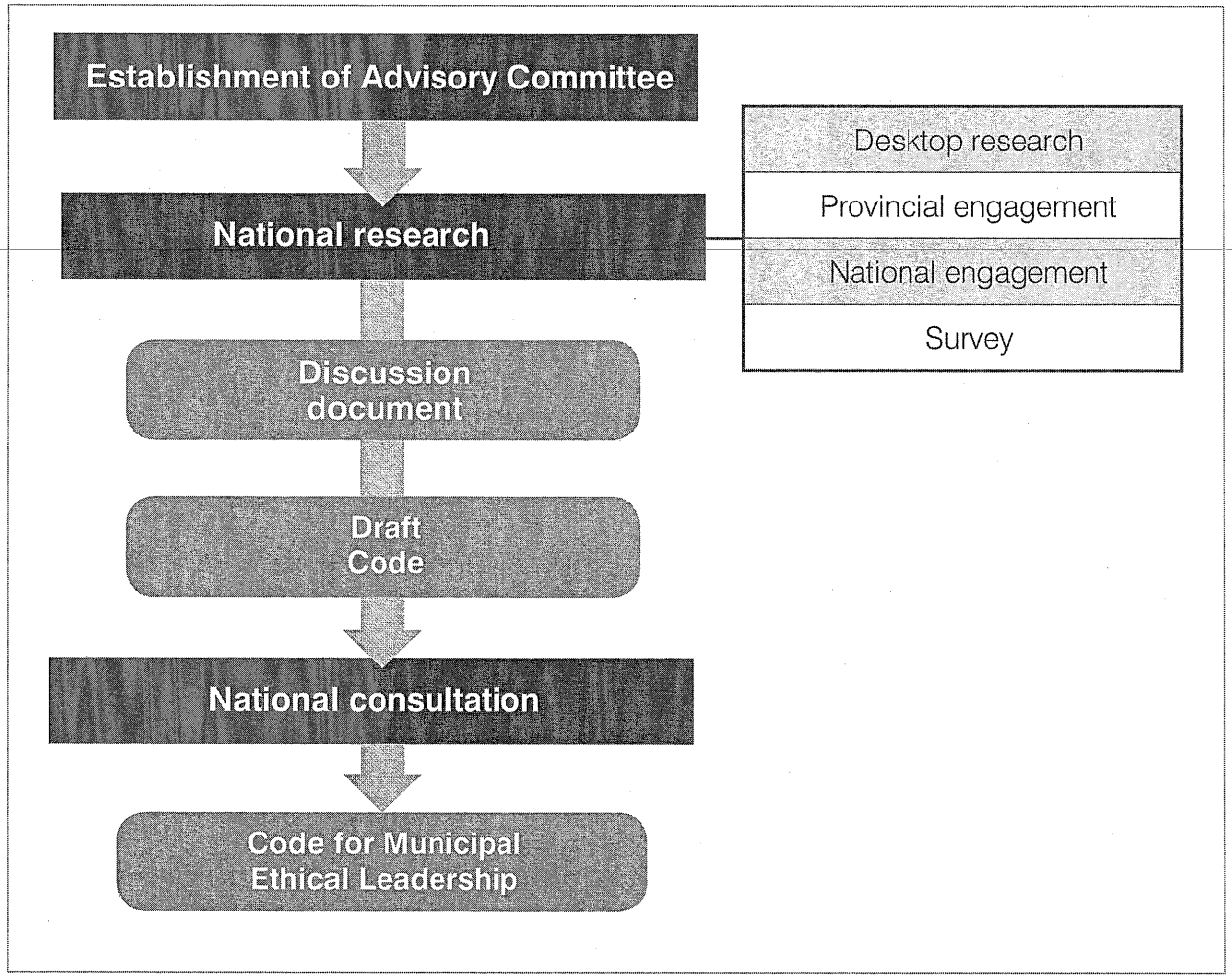
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The Local Government Ethical Leadership Initiative (LGELI) was therefore established to give effect to this part of the Local Government Anti-Corruption Strategy. It is a partnership between The Ethics Institute (TEI), the Department for Cooperative Governance (DCoG), the South African Local Government Association (SALGA), and the Moral Regeneration Movement (MRM), and it was set up specifically to develop the *Code for Ethical Leadership in Local Government.*

The Code was developed as part of a five-year project which commenced in 2020. The first year saw the establishment of the LGELI Advisory Committee to guide the project. During 2021, extensive research was conducted in all nine provinces to better understand issues surrounding municipal ethical leadership. From this, a draft code was developed that was taken back to the provinces in 2022 for consultation.

The process is summarised in the graphic below:



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2. Purpose

The purpose of the Code is to give guidance to local government leaders on how to navigate those issues that have the biggest impact on ethical governance in municipalities based on the research. There are certain behaviours that are destructive to ethical governance, and should be avoided, and others that are supportive of ethical governance, and should be promoted.

3. How does this Code differ from the Municipal Codes of Conduct?

The Municipal Structures Amendment Act (3 of 2021) sets out the Code of Conduct for Councillors, and the Municipal Systems Act (32 of 2000) sets out the Code of Conduct for Municipal Staff Members.

While these codes contain vital principles of general conduct, they are predominantly a list of *do's and don'ts* that councillors and staff members have to abide by in terms of their personal conduct. As the names say, they are codes of conduct.

While the Code for Ethical Leadership in Local Government contains some elements of personal conduct, it is predominantly about the role that leaders should play to ensure ethical and effective municipalities. So instead of being a code of personal conduct, it is a governance code, similar to the King Code for Corporate Governance. It guides leaders on how to create well-governed and effective organisations.

4. Who does the Code apply to?

The Code sets out principles that should be applied by anybody who finds themselves in a municipal leadership role. At the political level this includes councillors and traditional leaders, and at the administrative level it includes municipal managers and all other managers. The spirit and intent should, however, be filtered down to all municipal officials.

Since the Code guides leaders on the ethical principles required to create healthy organisations, it applies both at the individual and collective levels. Each leader must personally decide to live the spirit and principles of the Code. The outcomes will, however, only be achieved if leaders also live and implement these principles as a collective. For that reason, councils are encouraged to formally adopt the Code through a council resolution.

The Constitution specifies that the municipality consists of three components: the council, the administration and the community. Since the community is included in the definition of a municipality, the Code also sets out how communities can support the spirit and principles of the Code.

There are a host of other role-players, for example, political parties, business, and service providers, who are not necessarily governed by municipal legislation and codes, but who also have a significant impact on the ethical culture in municipalities. These too should be guided by the spirit of the Code.

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5. Will the Code be enforceable?

The Code sets out the spirit and intent with which legislation and regulations should be implemented in local government. Neither spirit, nor intent can be legally enforced. Instead, it requires personal commitment. Leaders will either choose to abide by the Code, or they will not.

For example: one can put legislation in place to ensure that appointments are made. However, if people have bad intentions, they will find a way of complying with the law but still not appointing the best person. To ensure the spirit of the law is implemented requires good intent and moral commitment.

Our experience through the consultative process that was followed to produce this Code convinced us that there are enough good leaders who want to do the right thing – even when no one is watching.

Leaders will hold themselves accountable to the Code, but will also informally hold other leaders to its spirit and principles. In the same way, communities can expect their leaders to abide by the Code, and hold them to account.

The Code can also guide the spirit of the law. The Local Government: Municipal Structures Amendment Act (Act 3 of 2021) specifies that the Speaker of Council 'is responsible for the ethics and accountability of the municipal council'. While the Speaker is not expected to hold councillors accountable to this Code, it may give the Speaker guidance when considering the spirit of ethical leadership. This will be easier in a municipality where Council has chosen to adopt the Code.

6. Who will promote the Code?

The Code will be promoted, institutionalised, and supported by the project partners. The impact of the Code will be monitored and evaluated over time by DCoG and SALGA.

At the same time, the success of the Code depends on individual municipal leaders and community stakeholders. It is envisaged that they in turn will promote and support the Code by living it and sharing it in their sphere of influence.

7. Acknowledgement to King IV

The King Report on Corporate Governance for South Africa (2016) (King IV) is now in its fourth iteration and has matured significantly since it was first released in 1994. It sets out 16 principles to assist governing bodies and organisations in achieving good governance outcomes.

The Code for Ethical Leadership in Local Government has leaned strongly on many of the foundational aspects that have been developed by the King Committee, and especially in the following respects:

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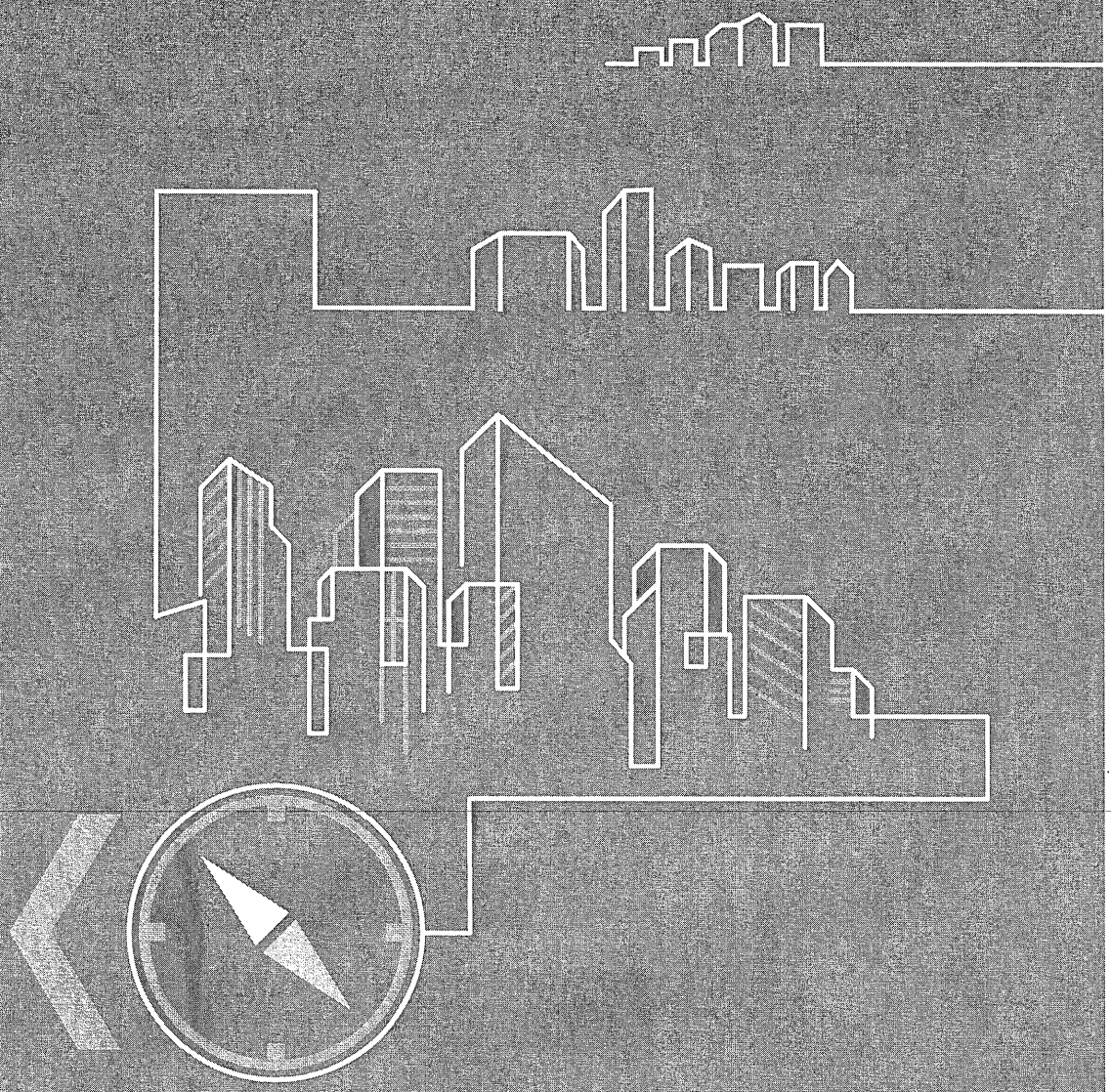
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The Code:

- Follows King IV's example of an *outcomes-based approach* for a governance code. This means that governance is not an end in itself, but a tool for delivering specific outcomes. The test of effectiveness is in whether these have been achieved.
- Adopts a *principle-based* (rather than a rules-based) approach to corporate governance. This approach requires leaders to mindfully apply the principles of the Code (in the intended spirit), rather than mindlessly complying with rules. *Mindful application* of codes of governance is about achieving the benefit of good governance in the interest of the municipality and applying the Code as a way of adding value and not as a compliance burden that adds no value.
- Embraces the understanding as advocated by King IV of seeing governance as a *holistic and integrated* set of arrangements.
- Adopts the idea that all of the principles set out in the Code are *collectively* required in order to work towards good governance.

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A. Code for Ethical Leadership in Local Government

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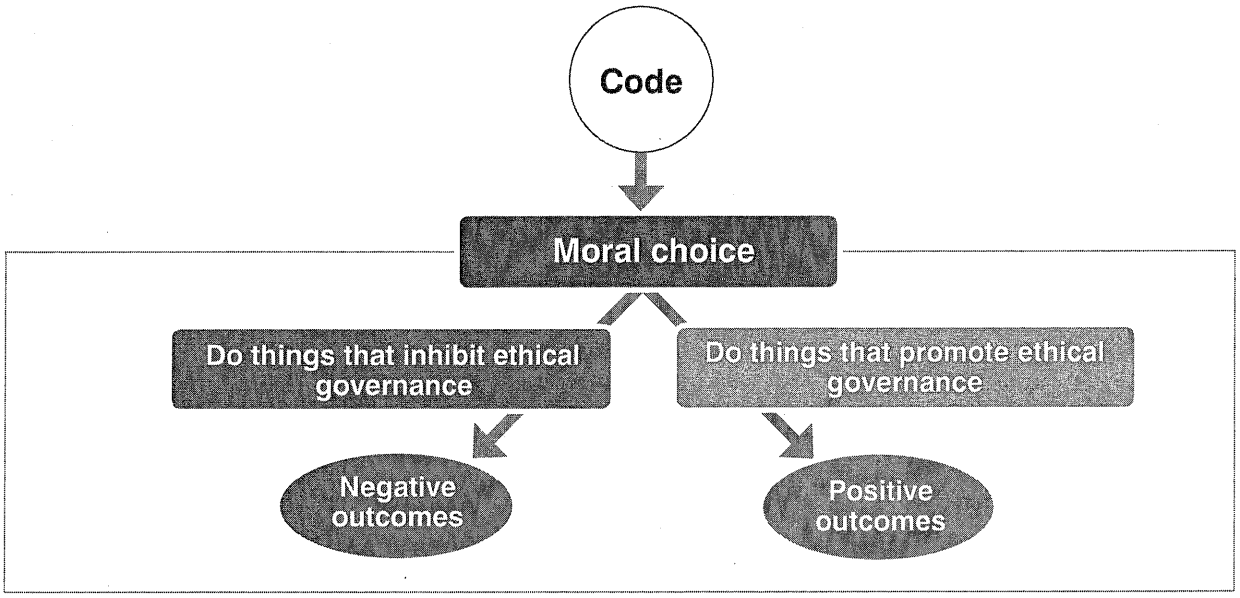
1. Rationale – Key to the Code

Ethical leadership is an absolute prerequisite for successful developmental local government as envisaged by the Constitution. The truth, however, is that neither ethics, nor leadership can be legislated or externally enforced. It is an individual choice.

It is the premise of this Code that the majority of leaders in local government are ethical people, who want to do the right thing. At the same time, the research has clearly shown that leading ethically in local government can be very difficult, and that there are certain practices that undermine ethical leadership (making it more difficult) and others that empower ethical leadership (making it easier).

This Code therefore aims to be a tool to help municipal leaders navigate this challenging terrain. It clarifies what practices have been proven by the research to undermine ethical governance, and should therefore be avoided, and what practices are enabling, and should be pursued.

It is not a case of minimally complying with the Code that will lead to good outcomes, but also the spirit and intent with which it is done. At the end of the day, it is a moral choice by the individual leader, as well as the municipal leadership as a collective.



This Code aims to give effect to the spirit of the Constitution and create an environment where the existing legislative and regulatory framework can thrive, by setting out the following in relation to ethical leadership in local government:

- The outcomes: What is it that we want to achieve?
- The spirit: What is our core consideration?
- The principles: What must be done to achieve the outcomes?

This Code has been developed for municipal leaders who want to be part of the solution – who want to build a better local government and a better South Africa.

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2. Graphic overview

OUTCOMES: What do we want to achieve?

An ethical culture » Well-functioning municipality « Trust

PRINCIPLES: How do we achieve what we want?

An ethical municipal leader:

1. Sets the tone for an ethical culture.
2. Follows a community-centred approach to governance.
3. Respects the boundary between the political and administrative spheres of the municipality.
4. Ensures the appointment of staff who have competence and integrity.
5. Ensures the appropriate level of competence, integrity, and diversity on committees and oversight structures.
6. Deals fairly and decisively with ethics transgressions and poor performance.
7. Engages respectfully and constructively with other municipal leaders.

SPIRIT OF ETHICAL MUNICIPAL LEADERSHIP: What is our core consideration?

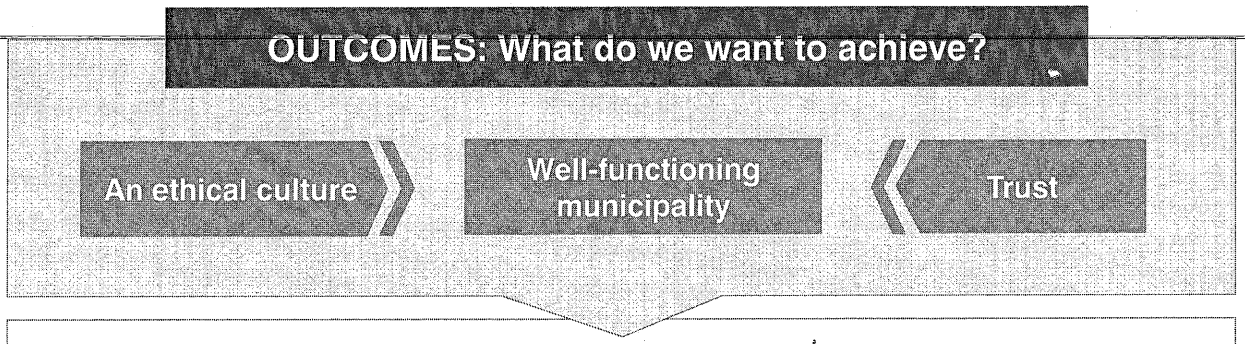
Leading in the long-term sustainable interest of the municipality and all its communities.

The spirit of the Constitution and local government legislation underpins the Code.

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3. OUTCOMES of ethical municipal leadership

The test of the successful implementation of the Code will be in whether the outcomes have been achieved. The outcomes are the positive effects which the municipality will experience as a result of ethical municipal leadership.



Through the mindful application of the spirit and principles of ethical leadership, municipal leaders will contribute towards the following outcomes being achieved within their municipalities:

- Ethical culture

- Ethical leadership builds an ethical culture in the municipality as a workplace. This means that the systems and the culture make it easier for people to behave in the right way, rather than the wrong way, and people do the right things whether they are being watched or not.
- Ethical leadership promotes ethics in the community. Leaders are not just responsible for delivering services, but also strive to promote healthy community relations, social cohesion, and positive societal values within their communities.

- Well-functioning municipality

- The National Development Plan emphasises that meeting our transformation agenda requires functional municipalities and a capable machinery at a local level that can create safe, healthy and economically sustainable areas where citizens and people can work, live and socialise.
- A well-functioning municipality is characterised by governance systems and processes that provide direction, create policy clarity, and ensure oversight and accountability. The right people are appointed and resources are used fairly and wisely.
- This leads to the developmental and sustainable provision of services to all citizens especially the most vulnerable – in fulfilment of the Constitutional mandate of local government.

- Trust

- Ethical leadership creates trust between the municipality and all its stakeholders, as well as trust that its leaders are able to fulfil their roles and responsibilities, and are morally committed to this task.

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4. SPIRIT of ethical municipal leadership

SPIRIT OF ETHICAL MUNICIPAL LEADERSHIP:
What is our core consideration?

Leading in the long-term sustainable interest of the municipality and all its communities.

In whose interest do municipal leaders lead?

The foundational question of municipal leadership (against which all other questions are measured) is whose interests one considers when making decisions. In other words: *In whose interest do we lead?*

Municipal leaders should lead in the long-term, sustainable interest of the municipality and all its communities.

What does this mean for leaders?

Leaders should ask themselves the question:

- ✓ Is what we are doing in the long-term sustainable interest of the municipality and all its communities?
- ✓ Am I considering the long-term, sustainable interest of the municipality and all its communities above personal, political and factional interests?
- ✗ If not, that course of action would not be in line with ethical leadership and should not be pursued.

The above does not mean that the interests of other stakeholders should be ignored. Good governance means balancing the legitimate interests of all material stakeholders with the best interest of the municipality. Where interests are in conflict, leaders should carefully consider them, always keeping in mind their core mandate.

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5. PRINCIPLES of ethical municipal leadership

The principles indicate what municipal leaders should do to achieve the desired outcomes. The spirit of ethical municipal leadership (as a core consideration) should always guide how the principles are implemented.

The principles are mutually reinforcing, and all contribute collectively to achieving the outcomes.

PRINCIPLES: How do we achieve what we want?

An ethical municipal leader:

1. Sets the tone for an ethical culture.
2. Follows a community-centred approach to governance.
3. Respects the boundary between the political and administrative spheres of the municipality.
4. Ensures the appointment of staff who have competence and integrity.
5. Ensures the appropriate level of competence, integrity, and diversity on committees and oversight structures.
6. Deals fairly and decisively with ethics transgressions and poor performance.
7. Engages respectfully and constructively with other leaders.

Principle 1: An ethical municipal leader sets the tone for an ethical culture

Unpacking the issue

Ethics is about doing what is good and right, balancing one's own interests with the interest of others.

In the organisational context, ethics refers to values that guide the organisation in its interaction with its stakeholders. Ethical action is therefore to achieve what is good, right and lawful both for the municipality, and for the community.

Ethical leadership goes beyond simply acting ethically oneself. It also means setting an ethical tone in one's environment and positively impacting the ethical culture, both in the municipality and the community.

An ethical culture is one where it is easier for people to do the right thing rather than the wrong thing.

As leaders, we create culture by what we do, and by what we do not do. Even if we allow others to set an unethical tone, we are busy creating a culture (but a negative one). It is therefore the responsibility of every municipal leader to always try to positively influence the ethical culture in their communities and municipalities.

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Practical Implementation

An ethical municipal leader:

i. Leads by example – living the values of ethical municipal leadership

The following values are key to the spirit and execution of ethical municipal leadership and each municipal leader should aspire to integrate these into their character:

- **Integrity** – consistently living in an honest and upright manner doing what one says.
- **Community centredness** – living the values of Ubuntu and Batho Pele to engage with communities meaningfully and respectfully, and objectively considering their long-term sustainable interests above personal, party-political or factional considerations.
- **Accountability** – holding oneself accountable, accounting to stakeholders for one's decisions and actions, and fairly holding others accountable for their decisions and actions.
- **Diligence** – working hard at achieving objectives, doing so to the best of one's abilities, and continuously striving to improve one's knowledge.
- **Courage** – standing strong in one's convictions, and standing up for what is right, especially when the above values are being compromised.

ii. Ensures compliance with the spirit and letter of the legislative and regulatory framework

- As part of ensuring a well-governed entity, municipal leaders strive to know and understand the municipal regulatory framework, abide by it, and ensure that others abide by it.
- Municipal leaders use the law to protect and improve governance and service delivery, and not to maliciously drive political agendas. The law must not be weaponised in bureaucratic wars.
- Municipal leaders act ethically beyond mere legal compliance, and as a minimum, abide by the relevant municipal Code of Conduct.
- Municipal leaders avoid conflicts of interest, and manage unavoidable conflicts in a way that builds trust.

iii. Ensures that the ethics of the municipality is governed and managed in a way that results in an ethical culture

- They ensure the establishment of ethics structures and capacity as set out in the Municipal Integrity Management Framework.
- They clarify ethical expectations of councillors and officials.

iv. Promotes civic ethics in the community

- Ethical leaders are not just responsible for delivering services, but should also strive to promote healthy community relations, social cohesion, and positive societal values.

Pitfalls that inhibit good governance

Councillors and officials sometimes ask for, or accept party-political, or personal donations or funding from people or companies who are suppliers to the municipality. There is a serious risk that this could cause those involved to put the interest of the supplier before that of the community, which would be a conflict of interest. It means that one cannot be objective in the best interest of the community, and places one's integrity at risk.

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How other stakeholders support this principle

- Council should:
  - Formally adopt the Code for Ethical Leadership in Local Government through a council resolution.
  - Set an ethical tone in all their deliberations and committee meetings.

- Political parties should:
  - Advocate the importance of abiding by the Code to the councillors that they deploy, and hold them to account should they not abide by it.
  - Continuously emphasise the importance of setting the tone and that ethical leadership should be the non-negotiable 'way' in which they lead. Ethical leadership should be the core focus of training conducted by parties.
  - Avoid accepting funding from companies or individuals who are service providers to the municipality, as this could lead to conflicts of interest.

- Municipal trade unions / labour leaders should:
  - Assist in building an ethical culture for a well-functioning, trusted municipality.
  - Ensure that municipal leaders are encouraged to live by the Code.

- Business partners and service providers should deal openly and transparently with municipalities and municipal leaders, and avoid giving donations where this could potentially lead to a conflict of interest.

- Communities should support the spirit of ethical leadership. As much as communities expect leaders to be ethical, they should similarly strive to abide by high ethical standards, and not put unreasonable demands that pressurise councillors into unethical conduct. They should engage respectfully with all municipal stakeholders.

Principle 2: An ethical municipal leader follows a community-centred approach to governance

Unpacking the issue

The Municipal Integrity Management Framework says that communities must be acknowledged as the owners of municipalities and are therefore entitled to transparent and accountable government.

The community elects leaders (councillors) to represent their interests in the municipality. There is therefore a responsibility on all municipal leaders to put the interest of the community first, actively engage with them to understand their needs and give them feedback on the work of the municipality. Community engagement is the foundation of participatory democracy.

Practical Implementation

An ethical municipal leader:

i. Places the interest of the community first

- Where personal, party-political or factional interests are in clear conflict with the community's interests, municipal leaders should stand up for the community's interests and put them first.

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ii. Consults meaningfully with communities

- Councillors should have frequent engagement with communities, not just during elections. These engagements should be meaningful in that councillors should listen and be responsive to the community's needs.
- They should build constructive relationships with the community and seek out opportunities for engaging with civil society.
- Officials should similarly engage with communities to get a sense of realities on the ground.
- Councillors should aim to be a source of civic education, informing communities of their rights and responsibilities as citizens, and how to access services in all of government.
- Councillors should help communities think of their long-term sustainable interest and balancing that with short-term needs.
- Officials should advise councillors appropriately and timeously to ensure accurate communication with communities.

iii. Is open and truthful with communities

- Councillors should be thoughtful about not making commitments to communities that cannot be kept – especially during campaigning. They should always give honest feedback on what is possible (in line with municipal budgets) and manage community expectations.
- Leaders should proactively give the community information about issues that concern them.

iv. Is responsive to communities

- Councillors should give feedback to communities on their concerns.
- Officials should constructively support councillors to address community concerns, as far as it is lawful, sustainable and not at odds with the municipality's Integrated Development Plan (IDP).

v. Ensures the prudent use of resources

- Leaders should always ensure that the resources of the municipality are used prudently, with long-term thinking in mind, and in the sustainable interest of the municipality and all its communities.

vi. Considers the interests of everyone in the community, not just those who voted for them

- Councillors should be careful of unfairly favouring their party members or constituencies where opportunities and services are meant for the whole community (for example, the allocation of local labour opportunities or housing).
- This does not mean that they cannot promote the specific needs of their wards and constituencies, especially when their needs are neglected.

vii. Aspires to a shared, inclusive vision for the community

- Leaders should aim to bring together diverse role players and interest groups to formulate and realise a shared vision.

viii. Where required, builds coalitions in the best interest of the community

- Where required, councillors should seek to negotiate coalition agreements which are in the best interest of the municipality and centred on what is best for the community. Coalition agreements should focus on achieving stability in the municipality and ensuring sustainable service delivery.
- Coalition agreements should be made transparent so that communities can hold municipal leaders to account.

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Pitfalls that inhibit good governance

The fact that councillors and senior municipal officials all have five-year terms, means that they want to achieve as much as they can in this timespan. Ethical leadership, however, also considers the long-term sustainability of the municipality and its long-term financial health. Being prudent in the short term will likely put the municipality in a better position to provide services in the long term. Achievement of short-term objectives should not be done at the expense of the long-term sustainability and financial health of the municipality.

An example of short-term thinking is the creation of positions that are not actually required. Unnecessary positions should not be created as these are expensive to fund, and detrimental to the community in the long run.

How other stakeholders support this principle

- Communities should actively participate in municipal engagements.
  - They should do so constructively and in good faith, and should aim to educate themselves on the functioning of municipalities.
  - They should ask for feedback, and require their councillors to account to them.
  - They should hold municipal leaders to the spirit and principles set out in the Code.
  - The destruction of property is never in the interest of the municipality or the community, and should never be promoted or condoned.

- Municipal trade unions / labour leaders should ensure the interests of their members are balanced with community interests.

- Political parties should inculcate community-centredness in councillors.

- DCoG and SALGA should assist with civic education of communities and leaders.

Principle 3: An ethical municipal leader respects the boundary between the political and administrative spheres of the municipality

Unpacking the issue

The political sphere (council) and the administrative sphere (officials) of the municipality have different functions. Councillors are responsible for the governance of the municipality. That means that they should set the strategic objectives (through the IDP) and the policy framework for the municipality, and provide oversight.

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Municipal officials (under the leadership of the municipal manager and senior managers) are responsible for the practical implementation of the objectives and policies, and for reporting to council.

Many ethical challenges in municipalities occur at the political–administrative interface, and this frequently leads to the politicisation of the administration. It is crucial that the administration be driven by professional values to ensure that it can effectively fulfil the mandate of the municipality.

Practical Implementation

An ethical municipal leader:

i. Respects the principle of separation of powers

Councillors set the strategic objectives and the policy framework for the municipality. They also provide oversight through appropriate structures. Outside of that, councillors should guard against being overly involved in operational matters of the municipality. They should work at an arm's length with municipal officials (following due process) to address community needs and service delivery, in line with the IDP.

They do not interfere in the administration and *specifically* not in the appointment of officials below section 56 managers, nor in tendering or procurement processes.

ii. Actively guards against politicising or factionalising the administration

- Officials should be apolitical in the execution of their duties.
- Councillors must assist in building the apolitical culture in the administration.

iii. Works in a constructive spirit with the other sphere of the municipality (i.e., council or administration)

Officials should implement the IDP and the policies that are set by council in a constructive and supportive spirit. They should communicate proactively to councillors where there are challenges with implementation, to allow councillors to inform communities accordingly.

They should not abuse the political–administrative boundary to avoid accounting to councillors, and should not let their own political affiliations interfere with doing their work professionally.

They should remain within the confines of the law and the restrictions of the IDP and sustainability considerations.

Pitfalls that inhibit good governance

Councillors might be required to engage with the administration to ensure service delivery. They, however, sometimes overstep this, which leads to interference. It is important to keep a clear distinction between these two concepts:

Interference: Sometimes councillors want to get involved in operational matters of the municipality where they should not be involved. The most destructive areas of such interference are where councillors try to influence Supply Chain Management (SCM) and tender outcomes, as well as the appointment of staff

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below the level of section 56 managers. This can be done by interfering directly, or by utilising deployees in the administration. Councillors should create a positive ethical environment where the SCM and appointment policies can be applied fairly and objectively.

The Councillor Code of Conduct prohibits a councillor from interfering in the administration of the municipality, unless the council has given the councillor a mandate. It is a criminal offence for a councillor to attempt to improperly influence municipal officials, and this is punishable by a fine or imprisonment of up to two years.

Engagement: At other times councillors might want to follow up with the administration to ensure municipal responsiveness to community needs. There might be very legitimate reasons for this engagement, but at the same time it might place officials under pressure to bypass procedures or work schedules. To manage these pressures, council should, in consultation with the municipal manager, determine a procedure for engagement between councillors and officials. It should be made clear that the communication between councillors and officials should be to hold officials accountable to legitimate expectations and not to give instructions. Councillors should never require officials to bypass procedures, or to behave in a manner that is not in line with legislation, the IDP, policies or procedures.

How other stakeholders support this principle

Political parties should avoid becoming overly involved in the running of municipalities.

Council should set clear boundaries and specify a process for engagement between councillors and officials in service delivery matters to ensure responsiveness to community concerns.

Municipal Public Accounts Committees (MPACs) should play an oversight role to ensure that there is no political interference in the administration.

Principle 4: An ethical municipal leader ensures the appointment of staff who have competence and integrity

Unpacking the issue

The appointment of strong, ethical leadership and staff can lay the foundation for a successful organisation. On the flipside, the appointment of unsuitable leaders and staff is one of the causal factors of unethical and unprofessional cultures in organisations.

The appointment of people who are too closely politically aligned to incumbent political leaders can be equally problematic in the long run. Politics is by its nature unstable (due to running in five-year cycles) and one would want to avoid bringing this instability into the administration. Ideally, leaders should aim to appoint apolitical, professional officials into the municipality.

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Practical Implementation

An ethical municipal leader:

i. Ensures the appointment of the best possible staff (with competence and integrity) to fulfil the mandate of the municipality.

- Councillors should ensure the appointment of a municipal manager and s56 managers who have the competence (considering the set competence requirements and their track record) and experience to fulfil their duties, as well as the integrity to build trust with staff, councillors and communities.
- They should ensure a robust and fair recruitment process to fill the above positions, including conducting pre-employment background checks, as well as competency assessments.
- Staff who have been dismissed for misconduct must not be appointed before the expiry of the prescribed sanction period.
- Similarly, the management team of the municipality should ensure the appointment of staff who have competence and integrity.

ii. Avoids politicising the administration through staff appointments.

- Political party office-bearers must not be appointed into the administration.
- Councillors should not attempt to influence the appointment of staff at any level below that of s56 managers.
- Councillors should develop policies to distinguish between appointment of officials to political offices and those who are appointed into administrative offices in the municipality. The policy should clearly stipulate that those who are in administrative offices should not be political deployees.

iii. Strives to ensure stability in the management team of the municipality.

- Once a competent management team is employed, leaders should, as far as possible, aim to maintain stability in the team.
- The practice of dismissing staff with every political change in council should be avoided. This is more attainable when professional, rather than political staff were appointed in the first place.

Pitfalls that inhibit good governance

Aside from destructive deployment practices, positions are sometimes created within the staff establishment of the municipality that are not necessary, or people are appointed to positions that do not exist in the staff establishment.

At other times, and perhaps because inappropriate people have been appointed, external consultants are used to perform the work that staff members should be able to perform.

All of these practices are extremely wasteful and deplete resources that should be used for service delivery.

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How other stakeholders support this principle

The DCoG should maintain an up-to-date database of officials who have been dismissed for misconduct.

Provincial departments for cooperative governance should assess whether senior officials comply with the minimum competency requirements, and should take action where they do not.

Principle 5: An ethical municipal leader ensures the appropriate level of competence, integrity, and diversity on committees and oversight structures

Unpacking the issue

The municipal environment is highly complex in terms of legislation, regulation and budgets. Governance and oversight in this complex environment requires not only personal integrity, but also a very specific combination of technical skills and experience that is built over time.

There may be some councillors who, though they have the required integrity, do not (yet) have the specific skill set required to provide oversight of complex municipal governance processes and budgets. Should they be responsible for providing oversight, it will likely mean that the best interest of the municipality and its communities will not be served. This means that councils need to apply their minds to remedy the situation to ensure proper oversight.

Similarly, committees within the administration, such as recruitment and selection committees, or tender committees, should be comprised of officials who have the required competence and integrity.

Practical Implementation

An ethical municipal leader:

i. **Selects the strongest possible candidates (considering their competence and integrity) onto committees and oversight structures.**

ii. **Co-opts external expertise onto committees and oversight structures where the internal technical expertise is insufficient.**
   - In council, the first prize is for political parties to ensure that councillors are capable, thus avoiding extra expense of external experts.
   - Councillors should ask themselves if they would trust MPAC and the audit committee to oversee their personal finances. The community deserves at least the same standard of oversight.

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iii. Ensures an appropriate mix of skills and diversity on committees.

- Strong committees have diverse and appropriate skill sets that contribute to the effectiveness of the committee.
- Diversity (for example, in political, racial, cultural, gender and age terms) should be considered in the composition of committees.
- Committees might also include a minority of councillors who are still developing their governance skills and experience. The number of such members needs to be balanced with the need for the committee to still fulfil its functions effectively in the interest of the community.

iv. Ensures stability on committees to allow for committee members to mature and gain experience.

Pitfalls that inhibit good governance

Sometimes those with the appropriate competence and integrity are overlooked in favour of those who may be politically more favourable. The same would apply for officials – people who are more likely to toe the line may be preferred over those who may have the required skills.

How other stakeholders support this principle

Council should ensure that committee members are trained on their responsibilities.

Political parties should:

- As far as possible, and with due regard to the democratic process:
  - field councillors with competence and integrity.
  - ensure a diverse set of skills and competencies amongst councillors. (This can be done especially among proportional representation councillors.)

Principle 6: An ethical municipal leader deals fairly and decisively with ethics transgressions and poor performance

Unpacking the issue

The overall focus of ethical leadership should be to proactively ensure a supportive ethical culture and strong governance environment, where performance is high, and transgressions are less likely to occur. Transgressions will, however, still occur in most organisations and should be dealt with decisively. Failure to deal with transgressions creates a culture of impunity where people think that they can get away with misconduct without consequences. A culture of poor performance can similarly arise when performance issues are not addressed. At the same time, discipline and performance management should not be abused to fight personal or political battles.



Practical Implementation

An ethical municipal leader:

i. **Ensures that the spirit and process with which disciplinary cases are adjudicated is:**
   - **Fair**
   - **Independent, and**
   - **Timely**

   This will require setting out specific policies and procedures for dealing with discipline or consequence management. Such policies should stipulate processes for ensuring that investigations and disciplinary matters relating to municipal leaders are dealt with independently. At the very least, independent external oversight should be involved.

   There should be access to competent capacity for conducting investigations and managing disciplinary processes, including well-functioning disciplinary boards.

ii. **Ensures that sub-standard performance is addressed timeously and fairly.**
   - Performance management should aim to develop employees, while holding them accountable for executing their duties and achieving their objectives.
   - Continued underperformance should be dealt with fairly and decisively.

iii. **Ensures that personal and political considerations do not trump the best interest of the municipality and all its communities in discipline and performance management.**

iv. **Deals decisively with conflicts of interest.**

   This includes the development of policies and procedures to deal with conflicts of interest, including:
   - Managing the information from conflicts of interest disclosure processes.
   - Conducting lifestyle audits when it is observed that a person's lifestyle appears excessive for their income.
   - Taking action when conflicts are discovered.

v. **Ensures that audit findings are addressed.**
   - Findings of both internal auditors and the Auditor-General of South Africa must be dealt with in a timely and decisive manner.
   - The importance of material irregularities should be escalated to the highest priority.
   - Mechanisms should be institutionalised to prevent recurrence of negative findings.

Pitfalls that inhibit good governance

One of the biggest challenges is to investigate and discipline people who are viewed as 'powerful' or 'connected', and to do so through a process that is trusted to be objective and independent. It frequently happens that disciplinary processes have predetermined outcomes because they are not independently dealt with.

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To ensure trust with the community, all disciplinary processes for senior leaders should be dealt with independently and include external oversight.

How other stakeholders support this principle

Political parties should consistently hold the councillors they deploy into municipalities accountable for their actions.

Council committees should ensure strong oversight and accountability.

Municipal trade unions / labour leaders should constructively support the principle of fair, independent and timely discipline and performance management processes.

Communities should hold political parties and representatives to account.

Principle 7: An ethical municipal leader engages respectfully and constructively with other leaders

Unpacking the issue

In any professional environment there are likely to be differences with others. These are likely to be worse in an environment where people are on different sides of the political spectrum. In many municipal environments there have been incidents of personal, factional or political differences that have led to chaotic and sometimes violent scenes in council chambers. When the community sees these scenes, it breaks down the trust they have in municipal leadership. It also creates an environment where the important work of council cannot continue.

Differences should be dealt with maturely so that they do not detract from the work of the municipality. This is also applicable in the administrative sphere.

Practical Implementation

An ethical municipal leader:

i. Aspires to reciprocal relationships of trust and integrity with each other.

- Even though they are on different sides of the political spectrum, councillors should treat each other with respect.
- Leaders' dealings should be honest and above board to ensure an atmosphere of mutual trust in the interest of the municipality and its communities.
- They should remain professional and committed when they have differences with others – remaining committed to acting in the best interest of the municipality and its communities.

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ii. **Ensures that personal, political and factional differences do not get in the way of doing the work of the municipality in the interest of the community.**

- Councillors should constructively participate in council meetings – especially when there are differences of opinion.
- They should keep in mind that they are setting an example to communities about how to engage with conflict. Communities are also watching how their councillors are spending the time they are being paid for to do the work of the community.

How other stakeholders support this principle

Political parties should emphasise to their deployed councillors the importance of professionalism in the conduct of their roles and responsibilities. They should take action against councillors who act disrespectfully towards others.

Municipal trade unions / labour leaders should ensure that labour disputes are resolved with respect for people and property.

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Local Government
ETHICAL LEADERSHIP
Initiative

This Code for Ethical Leadership in Local Government (LGELI) was developed as part of the Local Government Ethical Leadership Initiative – a partnership between The Ethics Institute (TEI), the Department for Cooperative Governance (DCoG), the South African Local Government Association (SALGA), and the Moral Regeneration Movement (MRM).

The Code was developed by the LGELI Working Group under the guidance of the LGELI Advisory Committee, which consists of *ex officio* members of the partner organisations, as well as other societal leaders.

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- Ms Mirjam van Donk (Deputy-Chair)
- Prof Deon Rossouw (TEI)
- Dr Kevin Naidoo (DCoG)
- Mr Rio Nolutshungu (SALGA)
- Prof Samododa Fikeni
- Ms Busisiwe Mavuso
- Mr Roelf Meyer
- Justice Yvonne Mokgoro

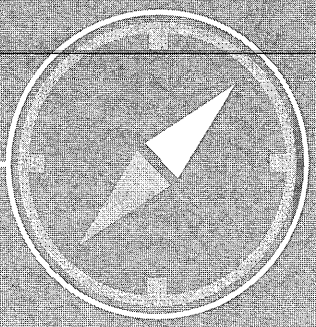
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Provincial Champions:

- We wish to acknowledge the role played in each of the provinces by committed public servants in the offices of premiers, provincial departments of cooperative government, provincial SALGA staff, as well as representatives of the Moral Regeneration Movement in provinces.

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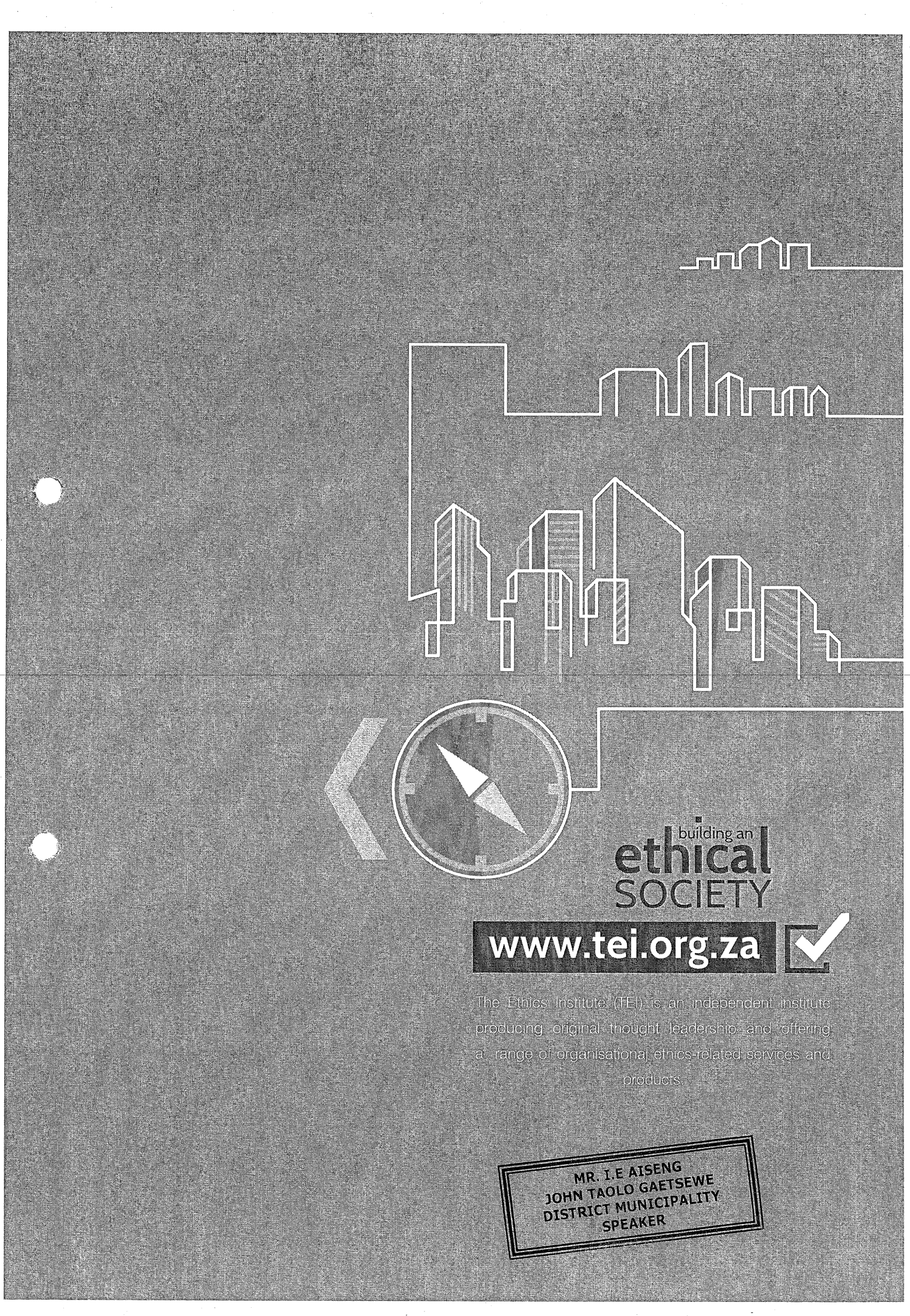


Please visit the website www.tei.org.za/lgeli

- to download the Code
- to find out about training opportunities for councillors and officials
- for the latest developments on the Code.

For more information on the Code and its implementation, contact:
lgeli@tei.org.za

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ETHICS MANAGEMENT IMPLEMENTATION STRATEGY AND PLAN

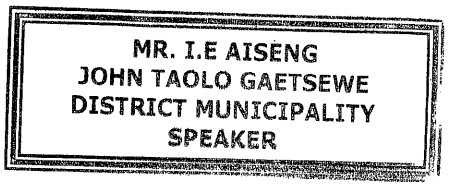
2026/27

ABSTRACT
The Ethics Management Implementation Strategy and Plan outlines how the John Taolo Gaetsewe District Municipality intends to institutionalise ethics management and ethical leadership in the institution.

MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

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ETHICS MANAGEMENT IMPLEMENTATION STRATEGY AND PLAN - 2026/27

1. INTRODUCTION

In order to be a well governed municipality that fulfils its obligations and delivers services to the community, we need effective, committed leadership and a professional, competent workforce. We also have a responsibility to manage our entrusted resources responsibly and to combat all forms of fraud, corruption and misconduct.

We strongly believe that none of the above will be possible without a strong ethical culture that enables all parties to focus on the right things for the right reasons. For this reason, John Taolo Gaetsewe District Municipality is committing to managing its organisational integrity more actively.

2. STRATEGIC OBJECTIVES

Following a review of the existing Ethics, Fraud & Prevention Management Plan 2025/2026, the John Taolo Gaetsewe District Municipality developed the Ethics Management Implementation Strategy and Plan. We believe that by focusing on the following 5 key objectives we will improve the culture and manage our ethics risks:

Leadership	1. Set a strong ethical tone with clear standards;
People	2. Develop a professional workforce in a respectful workplace;
Processes	3. Actively manage operational fraud, corruption and ethics risks;
Accountability	4. Ensure effective consequence management; and
External stakeholders	5. Work with communities and service providers.

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2.1. Set a strong ethical tone with clear standards (Leadership)

John Taolo Gaetsewe District Municipality is committed to strong ethical governance. To avoid us becoming complacent about our ethical standards we believe it is necessary to be more explicit about what we stand for and what we expect of each other. We therefore commit, as the political and administrative leaders of the

municipality, to develop a clear Value Statement and to ensure that this becomes embedded in our language and our actions. Our values will be supported by our policies and communicated to all our stakeholders in a way that conveys the importance that these values have.

2.2. Develop a professional workforce in a respectful workplace (People)

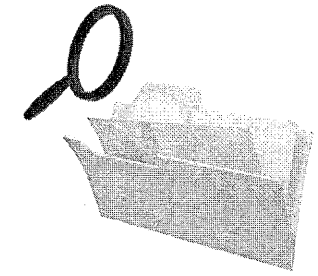
We believe that if we are focussed and effective, there will be fewer temptations to be involved in unethical actions. We therefore aim to get the right people into the organisation so that they are competent and confident in fulfilling their responsibilities and proud of the work they do. We also believe that when employees are treated fairly and feel respected, they are more inclined to give their best to the organisation and the community. We therefore aim to develop respectful personnel practices and to create a fair and supportive work environment.

2.3. Actively manage operational fraud and corruption and ethics risks (Processes)

John Taolo Gaetsewe District Municipality has a strong focus on risk management which extends to risks related to fraud and corruption. We do however believe that we have a responsibility for additional oversight and diligence in high-risk areas. Where people have discretionary power, the temptations are numerous and we must help to keep each other and our external stakeholders, honest.

The following areas have been identified as high-risk:

- Counter-productive employee behaviours
- Leave Management
- Supply Chain Management
- Recruitment and Selection
- Misuse / Abuse of Council's resources (Vehicles)
- Theft of Council's resources / Assets
- Abuse/misuse of Council's resources
- Municipal Health Services
- Disaster Management



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2.4. Ensure effective consequence management (Accountability)

We understand that we will not be able to prevent all occurrences of misconduct, fraud and corruption. Where incidents do occur, we need to know about it. Offenders are being held accountable, face the consequences and take responsibility for any losses owed to the community. We also believe that we can prevent large incidents by consistently manage discipline and act swiftly and fairly as soon as the need arises.

2.5. Work with communities and service providers (External stakeholders)

Creating an ethical John Taolo Gaetsewe District is dependent on a mature, transparent and accountable partnership between the municipality and the community. The municipality must build trust with the community and ensure to create open and responsive communication avenues. At the same time, the morality of the municipality is only as strong as that of the community and we will therefore aim to partner with community organisations to promote a healthy, moral society.

3. UNPACKING THE STRATEGY

Objective 1: Set a strong ethical tone with clear standards

Clarify our values	• Develop a clear Value Statement for John Taolo Gaetsewe District Municipality; and • The Value Statement will be aligned with all relevant documents and policies of the municipality.
Ensure that we have clear policies on ethics and anti-corruption	• Review risk management strategy, risk register and related policies to ensure that anti-fraud and anti-corruption measures are continously embedded in the organisational culture; • Review Fraud and Corruption Management, Promotion of Ethics and Professionalism Policy and Plan; and • Revisit conflicts of interest at least annually annually.
Communicate the Ethics Management Implementation Strategy and Plan	• Once the strategy has been adopted by Council, a campaign will be launched to make the Strategy known in the municipality.
Create awareness of ethics and anti-corruption	• Embed ethics and anti-corruption awareness in the communication and public participation strategies of the Municipality.
Ensure governance oversight of the implementation of the Ethics Management Implementation Strategy and Plan	• Incorporate the Ethics Management Implementation Strategy and Plan (EMS) in the Integrated Development Plan (IDP); • Report quarterly progress to the Audit, Performance, Ethics & Risk Management Committee; and • Allocate budget to ensure the implementation of the Ethics Management Implementation Strategy and Plan.

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Objective 2: Develop a professional workforce, in a respectful workplace

Ensure we get the right people into the organisation	•Ensure consistent recruitment procedures are applied; •Include reference to our Value Statement in recruitment adverts. •Include values-alignment as a requirement for appointment; •Implement competency assessments for directors, specialised and tactical positions; •Include the Values and Code in Letters of Appointment.
Ensure employees and councillors know and share our values	•Develop internal capacity to facilitate interactive ethics workshops in the municipality; •Include a significant ethics component in induction processes; •Annual ethics workshops for councillors; and •Training and awareness for all Supply Chain Management Staff on ethics, fraud and corruption.
Acknowledge when employees live our values	•Launch a good conduct acknowledgement initiative.
Promote professionalisation	•Actively encourage employees to register with recognised professional bodies.
Create a network of ethics ambassadors	•Identify and capacitate ethics ambassadors in the organisation.

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Objective 3: Actively manage operational fraud, corruption and ethics risks

Improve corruption risk management	• Assess ethics, fraud and corruption risks as part of the annual risk assessment going forward; • Review mitigating strategies for key risk areas.
Ensure active detection and oversight	• Provide additional oversight through unscheduled audits (by Internal Audit) for high-risk areas.
Improve Supply Chain Corruption Risk Management	• Conduct due diligence on potential service providers (pre-contracting); • Maintain the 'Ethics Pledge' for service providers; • Reconfirm ethical obligations in information sessions to service providers; • Publish all bid awards on the municipality's website; • Maintain the 'open tender processes'; • Maintain the standard "Conflict of Interest" statement or paragraph in the Letters of Appointment, contracts and all role-players in the SCM processes.

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Objective 4: Ensure effective consequence management

Improve awareness of the whistle-blowing facility	•Communicate to internal and external stakeholders and make the scope broader than just corruption and fraud.
Improve performance and discipline management	•Engage with / train managers to enhance instruction, information and supervision on performance and discipline management.
Establish accountability mechanisms in Council	•Council's Section 79-Ethics Committee to define processes for keeping council - lors accountable to the Code of Conduct; •Maintain the investigations component of the Anti-fraud and Anti-corruption Risk Management Strategy to ensure independence and oversight in investigations.

Objective 5: Work with communities and community organisations

Be deliberate in engaging communities on transparency and accountable service delivery	•Keep the community informed on the municipality's ethics strategy; •Improve community participation to promote transparency and accountability.

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4. GOVERNANCE ARRANGEMENTS

Institutionalisation of the strategy requires leadership commitment, direction and oversight. The following governance arrangements are and/or will be put in place to implement the strategy.

4.1. Oversight Committees

4.1.1. Audit, Performance, Risk and Ethics Management Committee (APREC)

- Responsible for direction, oversight and proactive and reactive measures;
- Monitor and oversee the implementation of the strategy; and
- Oversight of investigations.

4.1.2. Municipal Public Accounts Committee (MPAC)

The MPAC is a committee of council that provides political oversight, ensuring transparency, accountability, and the efficient use of public resources. It acts as a "watchdog" to hold the executive and administration accountable for financial mismanagement, such as unauthorised, irregular, or wasteful expenditure.

Key Roles and Responsibilities of MPAC are:

- Oversight of Annual Reports: MPAC reviews the municipality's annual reports, financial statements, and performance reports to ensure they align with service delivery goals and legislative standards.
- Investigating Expenditure: The committee investigates instances of unauthorized, irregular, or fruitless and wasteful (UIFW) expenditure and recommends corrective actions to the council.
- Audit Follow-ups: MPAC monitors the implementation of audit action plans to address issues raised by the Auditor-General.
- Public Participation: It facilitates community involvement in the oversight process by allowing public submissions on reports.
- Reporting to Council: MPAC reports directly to the council at least quarterly on its activities and investigations.

4.2. Council

Receives and consider reports from the Oversight Committees, i.e., APREC and MPAC.

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4.3. Ethics Champion

The Municipal Manager takes ultimate responsibility for driving and promoting the implementation of the strategy, including the implementation and coordination. The Municipal Manager is supported by the Ethics Ambassadors (Heads of Departments).

4.4. Ethics Working Group

4.4.1. The Municipal Manager will establish an Ethics Working Group to maintain the programme and ensure improved coordination and synergies to implement the strategy;

4.4.2. The Ethics Working Group will comprise of staff members nominated from every department.

4.5. Implementers

Responsibilities for implementation are included in the implementation plan.

4.6. Reporting and Information Management

4.6.1. The Municipal Manager must ensure that regular reports on progress with implementation are made to the APREC;

4.6.2. The other role-players must submit their progress to the Office of the Municipal Manager. This reporting will be done at the Ethics Working Group meetings.

5. IMPLEMENTATION PLAN

The strategy is supported by the Ethics Management Strategy Implementation Plan, attached as Annexure A.

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Annexure A: Ethics Management Strategy Implementation Plan

#	Strategic Objective	Action	Activity	Description	Responsibility	Timeline	Comments
1.	Set a strong ethical tone with clear standards	Clarify our values	**Develop a Value Statement for John Taolo Gaetsewe District Municipality**	Develop a clear Value Statement through a structured engagement with both political and administrative leader-ship that are aligned to the core values of the Municipality.	Municipal Manager in consultation with the Executive Mayor	**January 2027**	The intent is to review the current value statement to ensure that it is principle-based focusing more on what we want to promote than what we want to prevent.
2.	Set a strong ethical tone with clear standards	Clarify our values	**Align Value Statement with all documents/ policies**	Reflect the Value Statement in all official documents	Municipal Manager supported by all Heads of Department	**June 2027**	Value Statement to reflect in the IDP, Budget, SDBIP, Council policies, frameworks strategies and plans.
3.	Set a strong ethical tone with clear standards	Clarify our values	**Accept documented Value Statement**	The approved Integrity Pledge to be accepted and signed by all Councillors and municipal staff members	Municipal Manager in consultation with the Executive Mayor	**July 2027**	Integrity Pledge to be signed by all Councillors & municipal staff members
4.	Set a strong ethical tone with clear standards	Ensure policy clarity	**Review Ethics Management Implementation Strategy and ethics related policies**	The Ethics Management Implementation Strategy includes various aspects of the Fraud and Corruption Management, Promotion of Ethics and Professionalism Policy and Plan and therefore to ensure consistency with the related policies	Municipal Manager	**April 2027**	The anti-fraud and anti-corruption principles are included in the Ethics Management Implementation Strategy and that both the strategy and policy are aligned to the Code for Ethical Leadership in Local Government.

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#	Strategic Objective	Action	Activity	Description	Responsibility	Timeline	Comments
5.	Set a strong ethical tone with clear standards	Ensure policy clarity	**Review Fraud and Corruption Management, Promotion of Ethics and Professionalism Policy and Plan**	To ensure we have one reference document that aligns with our values, develop an integrated Code of Ethics document, including the Value Statement, Code of Conduct for Councillors & Municipal Staff, Code for Ethical Leadership in Local Government and the Supply Chain Management Code of Conduct, including referencing to other related policies	Municipal Manager	**April 2027**	The Fraud and Corruption Management, Promotion of Ethics and Professionalism Policy and Plan to be reviewed to ensure all the components are addressed
6.	Set a strong ethical tone with clear standards	Ensure policy clarity	**Revisit Conflicts of Interest**	Review conflicts of interest through Annual Financial Declarations, in view of components of the Code of Conduct for municipal staff members, councillors and supply chain management including service providers	Municipal Manager	**July 2027**	Complete and submit Annual Financial Declarations
7.	Set a strong ethical tone with clear standards	Ensure policy clarity	**Review the Confidentiality Agreement**	The Confidentiality Agreement between Council, Councillors and municipal staff members to be aligned with all legislative changes and amendments.	Municipal Manager in conjunction with the Executive Mayor	**July 2027**	Complete and submit Confidentiality Agreement
8.	Set a strong ethical tone with clear standards	Ensure policy clarity	**Develop Policy Register with all existing policies**	Policy Register to be developed in consultation with the relevant end-users to ensure all municipal policies are reviewed at least biennially, documented, approved and communicated to	Municipal Manager in co-operation with all Heads of Department	**March 2027**	Policy Register to be reviewed as per the Key Performance Indicator contained in the SDBIP

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#	Strategic Objective	Action	Activity	Description	Responsibility	Timeline	Comments
				all affected municipal staff members.			
9.	Set a strong ethical tone with clear standards	Ethics Management Implementation Strategy and ethics related policies	**Ethics Management Implementation Strategy and ethics related policies to be communicated to all Councillors, municipal staff members and relevant role-players**	Communication strategies and awareness material to be developed to ensure all relevant role-players are aware and informed about the Ethics Management Implementation Strategy and ethics related policies	Municipal Manager	**July 2027**	Communication strategies to address communication with all relevant role-players/ stakeholders
10.	Set a strong ethical tone with clear standards	Create awareness of ethics and anti-corruption	**Ethics Management Implementation Strategy to be communicated to all Councillors, municipal staff members and relevant role-players**	Communication strategies to include awareness	Municipal Manager	**July 2027**	Communication strategies to include awareness
11.	Set a strong ethical tone with clear standards	Governance oversight	**Incorporate the Ethics Management Implementation Strategy into the IDP**	Include the IMS in the IDP	Municipal Manager	**March 2028**	Integrity Management Strategy to be included in the IDP to create community awareness
12.	Set a strong ethical tone with clear standards	Governance oversight	**Report progress on implementation of the Ethics Management Implementation Strategy to the Audit, Performance,**	Quarterly progress reporting to the Committee, as per the Charter of the Committee	Municipal Manager	**Quarterly**	The Committee to exercise oversight on the implementation of Integrity Management in terms of their Charter.

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#	Strategic Objective	Action	Activity	Description	Responsibility	Timeline	Comments
			Risk and Ethics Management Committee				
13.	Develop a professional workforce in a respectful workplace	Ensure we get the right people into the organisation	**Ensure consistent application of recruitment procedures and adherence to Recruitment and Selection Policy**	Monitor consistent application of recruitment procedures to ensure that no incidents of nepotism, favouritism, or abuse of cadre deployment.	Director: Corporate Services	**Per appointment**	Recruitment Policy, working processes and procedures to be diligently executed.
14.	Develop a professional workforce in a respectful workplace	Ensure we get the right people into the organisation	**Include reference to the Value Statement in recruitment adverts**	Job and tender advertisements	Director: Corporate Services & Chief Financial Officer	**May**	Review and align Job & Tender advertisements to the Value Statement.
15.	Develop a professional workforce in a respectful workplace	Ensure we get the right people into the organisation	**Include value alignment as a requirement for appointment**	Promote values during interviewing and asking relevant questions	Director: Corporate Services	**Ongoing**	Effective vetting processes to be in place and verified
16.	Develop a professional workforce in a respectful workplace	Ensure we get the right people into the organisation	**Implement competency assessments for directors, specialised and tactical positions**	Conduct competency assessments in terms of: - MFMA competencies for new senior management applicants. - Competency assessments for new tactical positions	Director: Corporate Services in consultation with relevant line departments	**Ongoing**	Effective vetting processes to be in place and verified
17.	Develop a professional workforce in a	Ensure we get the right people into the organisation	**Reflect the Value Statement & Code of Conduct in**	Maintain Value Statement, Code of Conduct and Code for Ethical Leadership in Local Government	Director: Corporate Services	**May**	Review Letters of Appointment and employment contracts to

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	respectful workplace		**Letters of Appointment**	in Letters of Appointment and employment contracts.			reflect Value Statement, Code of Conduct for Municipal Staff Members, and Code for Ethical Leadership in Local Government.
18.	Develop a professional workforce in a respectful workplace	Ensure municipal staff members and councillors know and share our values	**Develop internal capacity to facilitate interactive ethics workshops in the municipality**	Departmental management meetings to include ethics related topics and awareness Departmental representation at Ethics Working Group meetings	Municipal Manager supported by Heads of Department	**Ongoing**	Heads of Department to reflect on ethics related topics and identified fall outs. Heads of Department to nominate representatives to serve at Ethics Working Group meetings.
19.	Develop a professional workforce in a respectful workplace	Ensure municipal staff members and councillors know and share our values	**Include a significant ethics component in induction processes**	Develop staff induction for new appointees and include the ethics component in induction processes	Director: Corporate Services	**Per appointment**	Council's stance on ethics to be communicated and awareness created during the induction processes.
20.	Develop a professional workforce in a respectful workplace	Ensure municipal staff members and councillors know and share our values	**Conduct roll-out of ethics to management and staff**	Workshops on ethics, including the Code of Conduct, Code for Ethical Leadership in Local Government, Value Statement and risk management.	Municipal Manager	**November 2027**	Annual workshops conducted to refresh and create awareness. Communicating ethics fall outs to all relevant departments/sections
21.	Develop a professional workforce in a respectful workplace	Ensure municipal staff members and councillors know and share our values	**Conduct workshop with Councillors on Code of Conduct for Councillors and Council's Value Statement**	Ethics Workshop on Code of Conduct for Councillors, Code for Ethical Leadership in Local Government, Council's Value Statement and ethics related policies	Office of the Speaker	**April – May 2027**	Ethics component included in Council Study Group Sessions

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#	Strategic Objective	Action	Activity	Description	Responsibility	Timeline	Comments
22.	Develop a professional workforce in a respectful workplace	Ensure municipal staff members and councillors know and share our values	**Train and conduct awareness for all Supply Chain Management staff on ethics, fraud & corruption**	Conduct continuous awareness sessions and completion and submission of financial declarations. Maintain platforms to report ethical fallouts. Maintain platforms to engage in terms of ethical dilemmas.	Chief Financial Officer	**Ongoing**	Awareness, reporting platforms and supporting platforms in place and maintained
23.	Develop a professional workforce in a respectful workplace	Acknowledgement	**Launch good conduct acknowledgement initiative**	Acknowledge good conduct through formal and informal departmental staff meetings.	Municipal Manager in consultation with Heads of Department	**Ongoing**	Heads of Department to focus on acknowledgement of good conduct
24.	Develop a professional workforce in a respectful workplace	Professionalisation	**Actively encourage employees to register with recognised professional bodies**	Municipal staff members, to register with relevant professional bodies	Heads of Department	**Ongoing**	Municipal staff members to be encouraged to register with relevant professional bodies
25.	Develop a professional workforce in a respectful workplace	Ethics Ambassador Programme	**Heads of Department to be capacitated to act as Ethics Ambassadors in the organisation**	Heads of Department to act in support of the Ethics Champion (Municipal Manager) as Ethics Ambassadors	Municipal Manager & Heads of Department	**Ongoing**	Heads of Department support the Municipal Manager as Ethics Ambassadors. Criteria included in the Ethics Working Group Terms & Conditions.
26.	Actively manage operational fraud, corruption and ethics risks	Ethics Risk Management	**Assess Ethics Risks and Fraud and Corruption Risks as part of the**	Integrate ethics, fraud and corruption risks during enterprise risk assessment sessions	Municipal Manager	**April to May 2027**	Risk Register annually reviewed and appropriate remedial actions to be implemented.

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#	Strategic Objective	Action	Activity	Description	Responsibility	Timeline	Comments
			annual risk assessment				
27.	Actively manage operational fraud, corruption and ethics risks	Ethics Risk Management	**Ethics Risk & Fraud and Corruption part of the Risk Register maintained and progress reported.**	Progress reports submitted to the Committee for consideration	Municipal Manager	**Quarterly**	Heads of Department to submit quarterly progress reports to the Office of the Municipal Manager
28.	Actively manage operational fraud, corruption and ethics risks	Specific measures in Supply Chain Management	**Conduct due diligence on potential service providers**	Develop due diligence criteria and measures applicable to potential service providers.	Chief Financial Officer	**June 2027**	Due diligence criteria and measures drafted and approved by the Bid Adjudication Committee for approval by the Municipal Manager.
29.	Actively manage operational fraud, corruption and ethics risks	Specific measures in Supply Chain Management	**Implement an Ethics Pledge for service providers**	Ethics Pledge for service providers communicated and implemented through Supply Chain Management Processes.	Chief Financial Officer	**Per tender submission**	Appointed service providers to accept and sign Council's Ethics Pledge as part of tender documentation.
30.	Actively manage operational fraud, corruption and ethics risks	Specific measures in Supply Chain Management	**Implement an Ethics Pledge for service providers**	Ethics Pledge for service providers communicated to service providers during information/engagement/ compulsory briefing sessions.	Chief Financial Officer	**Ongoing**	Potential service providers to be aware of Council's Ethics Pledge for service providers
31.	Actively manage operational fraud, corruption and ethics risks	Specific measures in Supply Chain Management	**Publish all bid awards on the municipal website**	Maintain publishing awards on the website	Chief Financial Officer	**Monthly**	Awards to be published on Council's website according to the required stipulations
32.	Actively manage operational fraud,	Specific measures in Supply Chain Management	**"Open tender processes" to be maintained**	"Open tender processes" maintained to encourage transparency	Chief Financial Officer	**Ongoing**	"Open tender processes" maintained with caution of possible collusion

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	corruption and ethics risks						
33.	Actively manage operational fraud, corruption and ethics risks	Specific measures in Supply Chain Management	**Include standard "Conflict of Interest" statement or paragraph in the Letters of Appointment and contracts**	Letters of Appointment to include "Conflict of Interest" statement	Chief Financial Officer	**Ongoing**	Declaration of "Conflict of Interest" maintained and monitored
34.	Actively manage operational fraud, corruption and ethics risks	Active detection and oversight	**Provide additional over-sight through unscheduled audits in high-risk areas**	Use Risk Register and ethical fall outs to conduct unscheduled audits by internal audit	Chief Audit Executive	**Ongoing**	Actively manage operational fraud, corruption and ethics risks
35.	Ensure effective consequence management	Awareness of whistle-blowing facility	**Maintain awareness of the whistle-blowing facilities**	Internal and external stakeholders, for example using the website and road-shows to be aware of the various reporting platforms to report any dubious actions involving municipal staff members	Municipal Manager	**Ongoing**	Allegations involving municipal staff members/service providers to be reported in terms of Council's reporting mechanisms and platforms
36.	Ensure effective consequence management	Improve performance and discipline management	**Enhance instruction, information and supervision on performance and discipline management**	Continuous communication at: 1. Toolbox talks as in Health and Safety; 2. Supervisors trained on supervision responsibilities, performance and discipline management; 3. Departmental meetings.	Heads of Department	**Monthly**	Exercise oversight to enhance instructions, information and supervision on performance and discipline management

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#	Strategic Objective	Action	Activity	Description	Responsibility	Timeline	Comments
37.	Ensure effective consequence management	Improve performance and discipline management	**Maintain the investigations component of the Fraud and Corruption Management, Promotion of Ethics and Professionalism Policy and Plan to ensure independence and oversight**	1. Investigations to cover non-fraud related matters and any other related matters; 2. Ensure independence, especially where senior staff or politicians are implicated; 3. Align and comply with the MFMA Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings (2014) and other related legislation.	Municipal Manager	**Ongoing**	Investigations conducted in terms of approved working processes and procedures aligned with the approved Council's policy
38.	Ensure effective consequence management	Establish accountability mechanisms in Council	**Council's Section 79 Ethics Committee to define processes for keeping Councillors accountable to the Code of Conduct**	Procedures to include methods for ensuring independence, especially where senior politicians (Executive Mayor/Speaker are implicated)	Municipal Manager	**June 2027**	Section 79-Ethics Committee Terms of Reference aligned to relevant legislation
39.	Work with communities and community organisations	Be deliberate in engaging communities on transparency and accountable service delivery	**Inform community on the Ethics Management Implementation Strategy**	Distribute Ethics Management Implementation Strategy to all Ward Committee Members via the Ward Committee Councillors	Office of the Speaker	**June 2027**	Ethics Management Implementation Strategy and ethics related policies distributed to all ward committee members
40.	Work with communities and	Be deliberate in engaging communities on transparency and	**Inform community on the Ethics Management**	Include ethics components in the internal and external newsletter	Director: Corporate Services	**Quarterly**	Highlight identified critical matters to the community

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	community organisations	accountable service delivery	**Implementation Strategy**				
41.	Work with communities and community organisations	Be deliberate in engaging communities on transparency and accountable service delivery	**Inform community on the Ethics Management Implementation Strategy**	Make Ethics Management Implementation Strategy and ethics related policies Strategy available on Council's Website	Director: Corporate Services	**June 2027**	Create awareness of Council's stance on ethics management
42.	Work with communities and community organisations	Be deliberate in engaging communities on transparency and accountable service delivery	**Improve community participation to promote transparency and accountability**	Engage communities on the periodic performance evaluations of the municipality during IDP/Budget Engagements	Municipal Manager	**As per approved Key Deadlines**	Create awareness amongst the community on Council's performance

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